grand president of the Knights of the Royal Arch, of San Francisco; Theo. Lunstedt, president of the governing board of the Knights of the Royal Arch, all of the State of California, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Pacific Coast Gold and Silversmiths' Association, of San Francisco, Cal., favoring House bill 13305, the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert W. Miller and George S. Pownall, favoring an appropriation for a survey of Victor Valley, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade and Chamber of Commerce of San Francisco, Cal., favoring the erection of a marine-hospital building at San Francisco; to the Committee on Public Buildings and Grounds.

Also, petitions of Charles W. Armstrong and 54 other citizens of Los Angeles, Cal., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. J. O. Ellis, president, and Mrs. E. C. Speicher, secretary, favoring Federal motion-picture commission; to the Committee on Education.

Also, petition of the Retail Dry Goods Merchants Association of Los Angeles, Cal., protesting against House bill 13305, relating to manufacturers fixing a resale price on their products; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas (by request): Petition of John Wolf, of Arkansas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of sundry citizens of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Philadelphia Board of Trade, against House bill 15657, to regulate trusts, etc.; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 16, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy grace for the duties of this day. Many of Thy blessings come to us unasked. Thou openest Thy hand and suppliest the need of every living thing. Thy providence is about us, preserving us from harm and danger. Thy grace is given to them that call upon Thee in sincerity and in truth. We come to Thee not only because we hunger and are weak and ignorant, but because we are sinners. We have turned aside from Thy ways. We have done the things that we should not have done. We have left undone the things that we should have done. We seek Thy pardoning grace and Thy love, that this day we may find our hearts in accord with Thy will and our lives channels through which Thy blessings may come to men. Hear us in our prayer; forgive our sins. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Cincinnati, Zanesville, New Concord, Weston, Coshocton, Middletown, and Hamilton, in the State of Ohio; of Belmont and Boscobel, in the State of Wisconsin; of Western, Minneapolis, Buffalo, Winnebago, and Madelia, in the State of Minnesota; of Wichita, Osborne, and Winchester, in the State of Kansas; of North Rose, New York City, Delhi, and Jamestown, in the State of New York; of Sparta, Lincoln, Flora, Knoxville, and Chicago, in the State of Illinois; of Martinsburg, Creston, Dallas Center, Shellsburg, Sioux City, and Clarinda, in the State of Iowa; of St. Louis, Mo.; of Emmett, Roswell, and Kuna, in the State of Idaho; of Washington, D. C.; of Grand Rapids, Mich.; of Colorado Springs, Colo.; of Elk Grove, Cal.; of Wood River, Nebr.; of Oriental, N. C.; of Lebanon, Oreg.; and of Mars, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SMITH of Georgia presented petitions of L. A. McLaughlin, of Talbotton; of the Ministerial Alliance of Atlanta; of sundry citizens of Harris County, Haralson County, Talbot County, Chauncey, Douglasville, Greensboro, Monroe, Griffin, Macon, Barnesville, Quitman, Thomasville, Ashburn, Madison, Elligay, Savannah, Summerville, Bascom, Belmont, Lithonia, Lumpkin, Fitzgerald, Acworth, Vidalia, and Atlanta; and of the Georgia State Woman's Christian Temperance Union, all in the State of Georgia, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atlanta, Ga., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I send a telegram to the desk, and ask to have it read.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

OKLAHOMA CITY, OKLA., *May 15, 1914.*

Senator SHEPPARD,
United States Congress, Washington, D. C.:

The general conference Methodist Episcopal Church South, assembled in Oklahoma City, representing 2,000,000 members, passes this resolution without opposition:

"*Resolved*, That this general conference indorses the Hobson amendment, now pending before our National Congress, and petitions our national legislators to speedily give us the legislation sought therein. Our people are long since wearied of the monster evil, the liquor traffic, and are now praying for its extirpation."

A. F. WATKINS, *Secretary.*

Mr. KERN. I have a short letter from George Ade, a distinguished citizen of Indiana, on the subject of the protection of birds, which I desire to have incorporated in the RECORD. It is headed Hazelden Farm.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

HAZELDEN FARM,
Brook, Ind., May 12, 1914.

The Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I live in the country, and I am a member of a society for the protection of our native birds, so I have a double reason for asking you to favor a liberal appropriation for enforcing the new law which is intended to protect our migratory small birds, especially the song and plumage birds.

The new and more stringent laws for the protection of both song birds and game animals are proving most beneficial, so that the living creatures that give character and animation to our woods and fields are going to become plentiful and useful if Congress will continue to have the laws enforced.

I am, with best wishes,
Sincerely,

GEORGE ADE.

Mr. BRADY presented a memorial of W. H. Hartshorn and F. H. Toogood, president and secretary, respectively, of Local Union No. 679, Bartenders' International League of America, of the State of Idaho, and a memorial of William Abrens and sundry other citizens of Shoshone, Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PURLEIGH presented a petition of sundry citizens of Woodland, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Cabot, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Rev. J. B. Palmer and 30 other citizens of Newport, N. H., and the petition of F. K. Johnson, of Belmont, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a memorial, from Louis N. Hammerling, president of the American Association of Foreign Language Newspapers (Inc.), of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CATRON presented petitions of sundry citizens of New Mexico, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of Ellendale Local, No. 26, of the Socialist Party of North Dakota, remonstrating against the conditions existing in the mining districts of Colorado, and also against the murder of American citizens in Mexico, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of the Woman's Christian Temperance Union of Miami County, of the Methodist Sunday School of Orland, and of sundry citizens of Woodburn, Odell, Hartford City, and Martinsville, all in the State of Indiana, praying for the adoption of an amendment to the Constitution

to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Glen Touck and sundry other citizens of Franklin, La Fayette, Muncie, Indianapolis, Wanatah, and Peru, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Nappanee, Ind., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented a petition of sundry citizens of College Place, Wash., praying for national prohibition, which was referred to the Committee on the Judicary.

He also presented a memorial of Local Union No. 2747, United Mine Workers of America, of Issaquah, Wash., remonstrating against conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. SMITH of Michigan presented memorials of Label Trades Department of the Federation of Labor, of Detroit; of Cigar Makers' Local Union, No. 368, of Port Huron; of the Federation of Labor of Detroit; of the United Brotherhood of Carpenters and Joiners of Muskegon; of the Allied Printing Trades' Council of Grand Rapids; of Cigar Makers' Local Union, No. 208, of Kalamazoo; and of sundry citizens, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Council of Highland Park; and the Woman's Christian Temperance Union of Kalamazoo; and of the Elmwood Avenue Mothers' Club, of Detroit, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of George Miller Camp, No. 28, United Spanish War Veterans, of Houghton, Mich., praying for the enactment of legislation to grant pensions to widows and minor children of veterans of the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of the Shiawassee County Sportsmen's Association, of Michigan, praying for an appropriation of $100,000 for the enforcement of the migratory-bird law, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented a petition of the Equal Franchise League of Redding, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the board of aldermen of Chelsea, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 525), accompanied by a bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 212. Marie J. Blaisdell.
S. 255. Asa Wren.
S. 418. Benjamin G. Barber.
S. 419. Emma T. Barnes.
S. 438. David H. Geer.
S. 443. Sarah C. Jaques.
S. 450. Eldred C. Mitchell.
S. 567. Mary A. Burns.
S. 607. Mary Boyington.
S. 610. Sarah A. Bailey.
S. 806. Mary J. Richardson.
S. 1026. Lewis C. Jones.
S. 1767. Jane Simpson.
S. 1998. William H. Southwell.
S. 2249. Emma S. Gere.
S. 3043. Anna T. Russell.
S. 3187. Isabella A. Trask.
S. 3710. Benedikta Hess.
S. 3741. Sarah H. White.
S. 3810. Ella Hawkins.
S. 3961. Morris P. Jolley.
S. 4210. Mary E. Wallace.
S. 4720. Mary E. Turner (formerly Ross).
S. 4916. Joshua F. Spurlin.
S. 4962. Emily M. Walker.
S. 5143. Lucretia M. Small.
S. 5146. Bernard A. McKenna.
S. 5152. Julius Patmore.
S. 5163. Harriet M. Case.
S. 5174. Rebecca Brown.
S. 5208. Marcia A. Ward.
S. 5200. Fridolin Strobel.
S. 5301. James M. Harvey.
S. 5305. Henry N. Oliver.
S. 5326. William J. Murray.
S. 5328. Samuel Morningstar.
S. 5331. Arthur Householder.
S. 5378. Charles H. Chambers.
S. 5383. James W. Allen.
S. 5387. James D. Beasley.
S. 5393. Naomi Fiedler.
S. 5395. Albert White.
S. 5396. Frederick J. Young.
S. 5402. Samuel Mannich.
S. 5408. Franklin Parlin.
S. 5409. Martha E. Enicks.
S. 5416. Isaac E. Hunt.
S. 5417. Austin Peck.
S. 5419. John Flynn.
S. 5420. Pliny H. Barnes (alias Charles Baker).
S. 5423. Nancy A. Stanley.
S. 5427. Levi W. Eiseley.
S. 5428. Ida M. Davis.
S. 5432. John T. Taylor.
S. 5443. Marguerite D. Pollard.
S. 5455. Thomas Kiernan.
S. 5458. John Winebark.
S. 5467. George W. Townsend.
S. 5468. Albert T. Harvey.
S. 5469. William P. Mullikin.
S. 5470. Patrick Carver.
S. 5478. Lizzie B. Nelson.
S. 5480. John Pace.
S. 5481. Martin V. B. Eisenbarger.
S. 5485. Edwin P. Kyle.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, reported it with amendments and submitted a report (No. 526) thereon.

He also, from the same committee, to which was referred the bill (S. 5404) for the payment of certain sums due by reason of an injury sustained by Second Lieut. Rogers, United States Army, while attempting to provide suitable mounts for United States Army, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 851) for the relief of the legal representatives of Napoleon B. Giddings, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 5211) to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc., reported it with amendments and submitted a report (No. 527) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 5576) granting an increase of pension to Florence B. Plato; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5577) authorizing the Secretary of War to grant the use of the Fort Boise Military Reservation, in the State of Idaho, to the mayor and city council of Boise, a municipal corporation of the State of Idaho; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5578) granting a pension to Penelopie S. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 5579) granting a pension to Albert V. Wallis (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 5580) granting a pension to Emma B. Hubbard; and

A bill (S. 5581) granting an increase of pension to George L. Johnson (with accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5582) granting a pension to Joanna Bevans; to the Committee on Pensions.

A bill (S. 5583) authorizing the Secretary of State to invite other nations of the world to participate in an international congress of thrift to be held at San Francisco, Cal., in 1915, and to appropriate $50,000 to help defray the expenses thereof (with accompanying paper); to the Committee on Appropriations.

By Mr. GORE:

A bill (S. 5584) to regulate the transportation of oil by means of pipe lines; to the Committee on Interstate Commerce.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—TOBIAS SEWALL RUDOLPH.

On motion of Mr. BRISTOW, it was

Ordered, That the papers filed in the case of a bill (S. 7538, 62d Cong., 3d sess.) for the relief of Tobias Sewall Rudolph be withdrawn from the files of the Senate, no adverse report having been made thereon.

TRANSPORTATION BETWEEN ATLANTIC AND PACIFIC PORTS.

Mr. SHEPPARD. Mr. President, I wish to ask unanimous consent that a Senate resolution reported yesterday from the Committee on Interstate Commerce may be adopted. It calls for certain information regarding freight charges by rail lines and coastwise vessel lines and the ownership of these rail and vessel lines. The resolution provides that this information shall be obtained by addressing circular letters of inquiry to the various lines, and it will not involve a great amount of labor. The Interstate Commerce Commission say the information will be valuable. They can not obtain it in a satisfactory manner unless this authority is given.

Mr. SMOOT. Will the Senator tell me the calendar number of the resolution?

Mr. SHEPPARD. It is Senate resolution 364, Order of Business 457 on the calendar. It is the resolution originally introduced by me as Senate concurrent resolution 23, with certain amendments.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution reported yesterday from the Committee on Interstate Commerce by Mr. NEWLANDS, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, authorized and requested to ascertain, by addressing circular letters of inquiry to rail lines, coastwise vessel lines, and such other lines as may be deemed advisable, and requiring, wherever deemed necessary, replies to be returned at a specified date in the near future, and, as soon as practicable, report to Congress the following information:

First. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding committees, directors, and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stocks, interlocking directorates, or interlocking officers.

Second. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

Third. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

Fourth. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities, under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

Mr. SMOOT. I desire to say to the Senator that almost all the information asked for in the resolution has been obtained under House resolution 587, "Report of the Committee on the Merchant Marine and Fisheries on steamship agreements and affiliations in the American foreign and domestic trade."

Mr. SHEPPARD. I understand that the report referred to by the Senator from Utah does not contain the exact information requested by my resolution.

Mr. SMOOT. I will admit that there are a few items embraced in the resolution that are not covered by this report, but I would say offhand that it covers probably at least three-fourths of the information asked for in the resolution.

However, if the Interstate Commerce Commission feel that it is necessary to have this information, and the subject matter being before the Senate at present, I shall not object to the consideration of the resolution.

Mr. GALLINGER. Mr. President, one fact will be developed through this inquiry, and that is that the oft-repeated statement that the coastwise shipping of this country is a trust or that it is controlled by railroads will be found to be not accurate. The fact is that out of 24,765 steamships and sailing ships engaged in the coastwise trade there are only 330 that are controlled in the way suggested. So this information will be valuable.

The statement which has gone forth was due to a casual reading of Prof. Huebner's report and the report of the Committee on the Merchant Marine and Fisheries of the House of Representatives. The ships that are owned by railroads or in combinations are in the "regular" line service and do not include the smaller ships—those that may be called tramp steamers, and so forth, engaged in carrying heavy commodities, which aggregate 24,435 ships out of a total of 24,765 ships engaged in the coastwise trade of the United States.

So if all this information has not already been obtained, the resolution ought to be passed.

The VICE PRESIDENT. Is there objection to the resolution? The Chair hears none. By unanimous consent, the resolution is adopted.

PANAMA CANAL TOLLS.

Mr. HOLLIS. Mr. President, I desire to give notice that on Wednesday, May 20, at the conclusion of the routine business, I shall address the Senate on the Panama Canal tolls question.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMITH of Georgia. I ask that the resolution may go over without prejudice until Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over without prejudice. The morning business is closed.

PANAMA CANAL TOLLS.

Mr. THORNTON. I ask that House bill 14385, the unfinished business, be now laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. HOLLIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Overman	Smoot
Brady	Gore	Page	Sterling
Bristow	Gronna	Perkins	Stone
Bryan	Hollis	Pittman	Sutherland
Burleigh	Hughes	Poindexter	Thompson
Burton	Jones	Reed	Thornton
Catron	Kenyon	Sheppard	Tillman
Chamberlain	Kern	Sherman	Townsend
Chilton	La Follette	Shively	Vardaman
Clark, Wyo.	Lane	Smith, Ariz.	Walsh
Crawford	Martin, Va.	Smith, Ga.	West
Cummins	Martine, N. J.	Smith, Mich.	Williams
Dillingham	Norris	Smith, S. C.	Works

Mr. THORNTON. I desire to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Ohio [Mr. POMERENE] is unavoidably absent on official matters.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is detained at home by sickness.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is absent on business of the Senate. I will let this announcement remain for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and the junior Senator from Wisconsin [Mr. STEPHENSON].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. WALSH. Mr. President, it would, perhaps, be vain to hope that at this stage of the discussion of the important question now receiving the consideration of the Senate any enlightenment could be afforded by any contribution which I might make. I am not unmindful of the importance of bringing this debate to a speedy close, that some of the many measures of the most urgent character on the calendar—not a few of them of vital interest to the section of the country from which I come—may have the attention of the Senate before the adjournment of the session. In the state of the public business I am convinced that the Senator who refrains from talking except necessarily to illuminate the subject under consideration renders a specific service to his country. It will, I trust, not be regarded as a breach of the amenities of this body if I express the hope that brevity may come to be regarded here as a virtue rather than a weakness, and that eventually we shall appreciate that time is short and that the volume of business intrusted to us and which we are unable to dispatch, try as we may, is continually increasing. Some reform in our methods is imperatively demanded. Considerations to which it is unnecessary to advert justify me, however, to myself, at least, notwithstanding the reflections to which expression has just been given, in submitting some comments on the subject before us indicative of the line of thought by which I have arrived at a conclusion that impels me to oppose the pending measure.

The question presents itself in a moral and in an economical aspect; it has a legal and a political phase. It is asserted that the law, the repeal of which is sought, is violative of the obligations to which the Nation bound itself by the Hay-Pauncefote treaty and that it is contrary to sound economics. It might be noted in passing that, as a rule, the exceptions to which are so rare as to emphasize rather than disturb it, those who insist that the law runs counter to the treaty are equally denunciatory of the policy which it embodies; those who are convinced of the error of the law, viewed from the standpoint of economics, are quite certain that the honor of the Nation can be preserved only by its repeal. On the other hand, those who find no want of harmony between the law and the treaty, generally speaking, justify the economic policy of the law or regard it as at least tolerable and quite defensible. This striking coincidence may well make every disputant less arrogant of his own and more tolerant of the opinion of those who differ with him. Which of us can say that his views on this question are not to some extent, and possibly to a very considerable extent, governed by irrelevant considerations which may bias his mind, by prejudice more or less deep-seated, and by habits of thought so pronounced in character as insensibly to lead the reasoner to a conclusion which those familiar with them may unerringly foresee?

Why should anyone in this discussion make any appeal to uphold the national honor? Is there any ground for believing that those who oppose the present bill are less sensitive concerning the national honor, less scrupulous in regard to the observance of treaty rights, than those who advocate it? Is it to be assumed that, being convinced of the error of the contention they make concerning the construction to be given to the treaty, they are still willing to maintain and uphold the law? Can it be doubted that if it were authoritatively determined, say, by an adjudication of the Supreme Court, that the inconsistency claimed does in fact exist, they would not hasten to join in securing an immediate repeal of the law? To suggest even in this controversy the necessity of maintaining the national honor is to reveal in the mind of him who advances it a lurking suspicion that some one is willing it should be besmirched. He who permits himself to indulge such has no reason to complain if some ungenerous antagonist accuses him of unpatriotic surrender of what he believes, or ought to know, if he cared to inquire, to be the rights of his country, moved by ignoble fear or base selfishness. One of the witnesses who appeared before the committee to which the bill before us was referred felt called upon to expatiate upon the commercial advantages which might be expected to flow from observance of treaty obligations. In the consciousness of his own rectitude, he was impressed not only with the depravity of those who differed with him, but labored under the belief that they would be insensible to any but an "honesty is the best policy" line of reasoning.

Why should anyone dread that in a controversy such as this the esteem in which our country is held among the nations of the earth should suffer any impairment? The high character of the officials of our Government who asserted and maintained our right under the treaty to enact the law now questioned when it was under consideration by Congress ought to be and is sufficient assurance to the world that, however mistaken they may have been in their views, they were honestly proclaimed. Those who still adhere to the construction so ably defended by them are entitled to the same generous presumption. The situation was reversed in the long controversy over the Welland Canal, to which reference will be made again. We stoutly maintained that Canada had violated the treaty of Washington in certain acts affecting vessels passing through that canal. She as strenuously insisted that the legislation complained of was within her rights. Great Britain, having upheld her colony for years in this controversy, after retaliatory legislation on our part, yielded without acknowledging the error of her position. No one ever heard that Great Britain became an international outcast because of her attitude in that episode, though it is now insisted that the question involved was identical with that with which we are now called upon to deal, and that England was as wrong then as we are now. If we are subject to the imputation of perfidy in connection with the present controversy, how can England escape a like imputation in relation to the other? Why should the purity of our motives be questioned by the nations of the earth and hers remain unstained? She exhibited no dread of the judgment of mankind, and why should we, who are convinced that we yielded no right by the treaty under which she now claims the surrender of which forbids the action against which she protests?

THE TREATY CONSIDERED.

Without assuming that I shall be able to do more than to present the arguments heretofore advanced in a new light or in a somewhat different setting, I proceed to consider whether the act in question is in contravention of the treaty. Its language is as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nation observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall e bark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

If we should shut our eyes to every other provision in this instrument, examine cursorily only the first of the six rules prescribed in article 3, omitting, as is ordinarily done, in any argument in support of the construction contended for by Great Britain the important words "observing these rules," ignoring the distinction which all nations have made between coastwise trade and over-seas commerce, the conclusion that the clause of the act at which the bill before us is aimed is out of harmony with the treaty might easily enough be reached.

But a consideration of the instrument as a whole must quickly force from the candid student an admission that the true meaning is not quite so plain as attention alone to the fragment referred to might suggest. Reason and authority alike demand that we should examine the entire instrument to arrive at the ideas which the high contracting parties intended to convey by the language they chose. This rule is as applicable to contracts between nations as it is to written agreements between individuals.

Even if we confine our attention to that portion of the treaty by which it is said we surrendered in part our right to control the canal, the most serious question will arise as to its significance. It appears that it is one of six rules which the United States adopts or prescribes concerning the use of the canal. It does not declare that the canal shall be free and open to the vessels of all nations, as has often been said, but only to those of such nations as shall observe the rules prescribed by the United States, the builder and owner of the canal. If any nation shall fail to observe the rules thus laid down, its vessels may be excluded from the canal, and whether they shall go through or not, in consequence of failure to observe the rules, must be determined by the United States, the owner of the canal. It must not only determine whether a violation of the rules has occurred on the part of any nation, but it must enforce the penalty consequent upon such failure, which may extend to the exclusion of the vessels of the offending nation from the canal. Perhaps in case of a dispute of fact or in case of a controversy as to whether the acts complained of by our Government constitute an infraction of the rules, the nation whose vessels were thus excluded might call for an arbitration; but the responsibility is on the United States of deciding in the first instance and enforcing the judgment, whether pronounced by it or by an arbitral tribunal. But is it to be gathered that if the United States should be guilty of a disregard of the rules it "adopts," it forfeits its right to the use of the canal? If so, what power passes the judgment of guilty against it, and what nation enforces that judgment, and how? If the United States be one of the nations referred to in rule 1 of the treaty, then we have, by the passage of the act of 1912, disregarded its provisions, assuming that coastwise craft are included in the words "vessels of commerce and war" as therein used, and, being no longer one of the "nations observing these rules," have no right to pass any ships through the canal. Moreover, if the United States be indeed one of "all nations" therein referred to, its vessels "of war" must pay the same tolls for passage through the canal as the vessels of war of all other nations, and the treaty would require the absurd formality of taking money from the Treasury of the Government to be paid to itself as tolls for the privilege of passing its men-of-war through its own canal, the sums thus paid to be in due course returned to the Treasury from which they came.

It is said that the net result being the same, the Government may be excused from the payment of tolls on its warships, though those of other nations are made to contribute. It is likewise advanced that the duty of maintaining the neutral character of the canal, so far as it is neutral, being by the treaty imposed upon the United States, and upon it alone, it is implied that its vessels of war may pass through the canal free, since it is presumed that they are in the discharge of the duty thus cast upon our Government, it being impossible to differentiate between service which falls within that duty and such as is beyond its scope, and because, if it were, the naval authorities ought not to be called upon to disclose the particular mission in pursuit of which the canal is opened for the reception of our fleet or any part of it.

But what is this argument but an admission that, by reason of the peculiar relations our Government sustains to the canal, its vessels of war, so far as payment of tolls is concerned, are not included in the expression used in the treaty, "vessels of commerce and of war of all nations observing these rules"?

This line of argument is not applicable, however, to a great variety of craft in the Government service, such as revenue cutters, lighthouse tenders, and such as carry officers of the Coast and Geodetic Survey and employees of the Bureau of Fisheries, and the like.

The question is still pertinent as to whether the formality of taking money from one pocket and putting it into another must be observed in the case of the passage of any of these vessels through the canal. Such vessels do not engage in trade, and foreign nations are not materially affected nor much interested whatever course may be pursued as to them, provided their use of the canal be considered in determining the proportionate amount which may be exacted of their vessels for canal privileges. But the Government of the United States owns, in effect, a fleet of vessels engaged in the transportation of passengers and merchandise in connection with the work of constructing the canal. They ply between New York and Cristobal, and do a general carrying business in competition with privately owned lines. In all probability they will be employed in a like capacity when the work of constructing railroads in Alaska is actively undertaken, pursuant to the act passed at the present session. It is not improbable that some or all of these vessels will run regularly between New York and some seaport of Alaska, transporting supplies and incidentally conducting a regular commercial business in competition with the Canadian transcontinental railroads and the steamers connecting with their western terminals. Must the Government, from its revenues, pay the tolls on these ships as they pass through the canal, the amount to be returned to the Treasury whence it came?

A bill recently introduced by the junior Senator from Massachusetts, which is approved by the Navy Department, contemplates putting cruisers—being ships of war—into the trade between Atlantic ports and the west coast of South America. The purpose is to divert to our merchants a large share of the trade of the southern Republics whose shores are washed by the Pacific that would otherwise go to their European rivals. Will these ships be required to pay tolls? And was it intended at the time the treaty was signed that they should? To what end? Why should any nation now ask that they should? How can it or its ships profit by what is a pure formality, a mere matter of bookkeeping? And why should Great Britain have asked for a provision of the treaty which exacted it?

Undoubtedly the "vessels of commerce of all nations," referred to in the section under consideration, include ships privately owned engaged in the commercial carrying trade, as well as any which the various Governments may put into that business. Merchantmen flying the Stars and Stripes are spoken of as "our vessels" and as "vessels of the United States." The treaty in question is a compact between nations. Each deals with the other as though it were the owner of all vessels sailing under its authority. It speaks in the possessive as to ships owned by its citizens as well as those which are Government property. The treaty makes no distinction between privately owned ships engaged in commerce and such ships as those heretofore referred to now engaged similarly, and likely hereafter to be so employed, as are the property of the United States. It is impossible to make the language applicable to the one class of ships and not to the other.

It is said that the exemption extended by the existing law to coastwise vessels is a subsidy; that it is equivalent to turning over to the ship to which it applies, passing through the canal, simultaneously with the payment of the same by it, the amount of money which it would otherwise pay. I shall address myself to this question later on. I pause to remark that those most confident of the infraction of the treaty by the canal act are most emphatic, not to say eloquent, in denunciation of the policy it embodies, as a subsidy pure and simple. That brings us to the inquiry as to whether we may consistently with the treaty grant a subsidy to our ships—that is, privately owned American ships passing through the canal—equal to the amount of the tolls exacted under the law of such of them as are subject to the payment of tolls.

If we adopted that policy we should provide American vessels out of the Treasury on entering the canal the money with which to pay the tolls or reimburse them immediately upon their having paid such. The transaction in that event would be identical with that accompanying the passage of a man-of-war or other Government vessel. Our vessels—our vessels of

commerce as well as our vessels of war—would pass through under conditions substantially identical, as though they all belonged to the Government.

It is not quite clear what the view of the English foreign office is touching our right thus to subsidize or reimburse privately owned American vessels in the amount which they may be required to pay for passage through the canal, thus accomplishing by indirection what it is said we are forbidden to do directly, namely, exempt them from the payment of any tolls.

In the note of Mr. Innis, chargé d'affaires, to our Secretary of State, of date July 8, 1912, the position is quite clearly announced that the treaty forbids us either to grant a subsidy equal to the tolls exacted or to do what is equivalent thereto, renounce them altogether, for he says:

> The proposal to exempt all American shipping from the payment of them would, in the opinion of His Majesty's Government, involve an infraction of the treaty, nor is there, in their opinion, any difference in principle between charging tolls only to refund them and remitting tolls altogether.

And yet Lord Grey, in his letter to Ambassador Bryce, of November 14, 1912, says that—

> They do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting parties of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient.

The senior Senator from Massachusetts apparently entertains no doubt that we may with entire propriety pursue the indirect route to attain the same end. If I gathered correctly the purport of his eloquent and forceful address delivered during the early stage of the present debate, he complained only that we had gone about the business so bunglingly, intimating that had we diplomatically required the payment of tolls by all our vessels and then remitted what had been exacted of those engaged in the coastwise trade no protest would ever have been made, or, if made, would have been easily and effectively answered.

Certain it is that unless we are at liberty thus to subsidize our shipping that may be required to pay tolls for passage through the canal we are at a decided disadvantage among the nations of the earth. We have bound ourselves by the treaty and left them free. We have no means of restraining any of them in the pursuit of such a policy should they see fit to follow it. Nearly all the maritime nations of Europe repay to their ships any sums they are required to expend for passage through the Suez Canal, and it is understood that most of them purpose meeting in the same way the burden which our Government may impose as a fee for crossing the Isthmus of Panama. The burden upon our Nation will be exactly the same whether we pursue the course we have elected to follow or the one which it is apparently conceded we may consistently with the treaty. In either case the disadvantages under which foreign interests will labor are identical.

If, then, we may legitimately reach the result that would be attained by the act complained of by following another method, what reason have we for believing that England in negotiating the treaty chose language that would foreclose our right to exempt our ships from the payment of tolls or that we selected such phraseology as would give her the assurance that we were to be so foreclosed? The negotiators had in mind the practice of the countries of Europe, even of England herself, in connection with her shipping passing through the Suez Canal.

Imagine the representatives of the two countries in conference. The United States proposes to undertake this stupendous work at her own cost and her own risk, not only to construct it, but to maintain and defend it as a great international highway, open to all the nations of the earth, to expend $400,000,000, as the event demonstrated, for the benefit of the commerce of the world. Great Britain's statesmen had exhibited no feverish anxiety to engage in it, and yet, as our ambassador remarked on an historic occasion, she was to be the chief beneficiary, at least commercially. Her ships exceed in tonnage those of all other nations combined. It was to open up a direct route to her possessions in the Orient. It was to give her great dependency, our neighbor on the north, water communication from the Atlantic seaboard to the Provinces of the Dominion that skirt the Pacific. It is not disclosed by any of the correspondence that the specific question of whether the United States might, if it saw fit, exempt its vessels from the payment of tolls was debated or considered. The differences arose over the question of fortifications and another, to which it was ancillary, the independent control of the canal by the United States as distinguished from a control in which other nations should participate to a greater or lesser degree. As the great impelling motive on our part was military, we wanted to be free to shut the canal against any enemy in time of war.

England was not proposing to do anything. She was not offering to build the canal under the Clayton-Bulwer treaty. For 50 years that instrument had simply tied the hands of both nations, neither of which contemplated for a moment at any time toward the close of the nineteenth century entering upon the work pursuant to its stipulations or encouraging private capital to do so. England did not profess to have any purpose to build the canal independently of it. She had not sought to be freed from its obligations that she might undertake the task. On the contrary, the purpose of the American people to dig the canal had been repeatedly proclaimed. England could not endure the odium that would attach to a dog-in-the-manger policy with reference to this great work of such transcendant importance to the civilized world. Her interest impels her to assent to any reasonable proposals of the American Government. Her pride forbids her to place further obstacles in its way. She has no basis on which she may claim anything except a half century old treaty, never acted upon, moribund if not dead, solemnly asserted by the United States Senate to be obsolete and open to notification and only feebly defended by her as still a living thing. Her ministers make the best of such trading stock as they have. But let us consider that the representatives of our country insist, in view of the enormous obligation the United States is to assume, on a specific provision in the treaty to the effect that it may at its will exempt its shipping from the payment of tolls, and yet that the tolls exacted of foreign ships must be fair and reasonable and exacted without favoritism or discrimination.

Can anyone imagine the English ministers so blind to their own interest, so irresponsive to the desires of the commercial world, as to break off the negotiations? They must reason that as to all Government ships it is immaterial whether tolls are collected or not, and as to privately owned ships, the same result could be arrived at by pursuing exactly the policy Great Britain follows with reference to her own ships paying tolls at Suez. In yielding they would be conceding no power that could not be exercised indirectly at least.

Considering only the section that insures equality of treatment to all nations "observing these rules," the conclusion seems quite illogical that the United States subjected itself to any restraint in the matter of exempting its own ships from the payment of tolls; that is to say, the United States is not and was not intended by the parties entering into the convention to be included in the expression "all nations" as therein used. The language must be restricted in its significance to the intentions of the high contracting parties. Early in the history of the development of the law applicable to the interpretation of statutes an English court said:

> The judges of the law in all times past have so far pursued the intent of the makers of statutes that they have expounded acts which were general in words to be but particular where the intent was particular. * * * Those statutes which comprehend *all* things in the letter they have expounded to extend back, but to *some* things, and those which generally prohibit *all* people from doing such an act, they have interpreted to permit *some* people to do it, and those which include *every* person in the letter they have adjudged to reach to *some* persons only, which expositions have always been founded on the intent of the legislature which they have collected sometimes by considering the cause and necessity of making the act, sometimes by comparing one part of the act with another, and sometimes by foreign circumstances. (Stradling *v.* Morgan, Plowd., 199.)

But if an attentive consideration of the rule of equality upon which reliance is placed by those who assert that the existing law violates it leads to the contrary conclusion, it seems impossible, upon a study of the treaty as a whole, to avoid that result.

Article 1 briefly declares that the Clayton-Bulwer treaty is superseded.

Article 2 declares that the canal may be constructed under the auspices of the United States, which, subject to the treaty, shall have all the rights incident to such construction, including the exclusive right of providing for the regulation and management of the canal.

Just why it should be deemed necessary to provide that the canal might be built under the auspices of the United States, when the only obstacle had been removed by the abrogation of the Clayton-Bulwer treaty, it is perhaps fruitless to inquire. So, likewise, it would seem that it was quite unnecessary to stipulate that the United States should have all rights incident to construction if it did prosecute the work. Obviously they would have such rights, except as the treaty waived them.

In the effort to support the view that we have violated the treaty in exempting our coastwise vessels it is advanced that we do not enjoy unreservedly the rights incident to ownership, but find ourselves limited by the language of the article under consideration, "subject to the provisions of the present treaty."

It is agreed that we have placed some restraint on our action by the convention. But the phrase referred to has its appropriate application, whichever view of the controversy may be taken.

All admit that we have bound ourselves to treat alike all foreign nations observing the rules which we prescribe. The use of the language of article 2 quoted is without significance in the present inquiry.

Article 3 is introduced with the following language:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say.

Then follow six rules, the first of which alone has heretofore been canvassed. These are rules, it will be noted, which the United States "adopts" concerning the use of the canal which it is to build.

The right asserted by Great Britain rests upon the language of the first of these rules. With that with which it is introduced, the conclusion follows logically, as I think, that the rules of which it is the initial number were intended to define the rights and obligations of other nations in respect to the canal, to prescribe the conditions under which they might make use of it.

The second rule declares that "the canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it." Is it believed that this rule is operative against the United States? We deny it and are erecting fortifications at either end intended to destroy any enemy that may come within range of the most powerful guns known to modern warfare. The military defense of the canal for which we are making preparations will involve an annual expenditure, it is estimated, of $10,000,000. If a menacing fleet, say, from Japan, appears at either gate, intent upon attacking our ports or laying waste our coast, must we speed it passage and forbear to raise a hand against it?

The third rule recites that vessels of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; the fourth, that no belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit; the fifth, that vessels of war of a belligerent shall not remain in the waters adjacent to the canal and within 3 miles of either end longer than 24 hours at any one time, and that a vessel of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent. Can it be seriously contended that these rules apply to the United States; that should a general war with Mexico be precipitated, and should we find it necessary to send a vessel of war around to the west coast of that country, it could not revictual or take on stores in the canal; that while the war lasted we could not embark or disembark troops, munitions of war, or warlike materials in it or in the adjacent waters? Will it be asserted that being a belligerent, at war with some European nation, one of our ships separated from the rest of the fleet and pursued by an enemy of overwhelming power could not take refuge under the sheltering guns that might thunder from the fortified islands off the western entrance to the canal?

Some answer must be given to these and like pertinent inquiries before the view can be accepted that the rules which by article 3 the United States "adopts" as the basis of the neutralization of the canal can be held applicable to us.

What answer has been made? The British Government was not insensible to the difficulty of harmonizing the view advanced by it with the provisions of the five rules other than the first.

In the letter of Lord Grey to Ambassador Bryce, dated December 9, 1912, the writer, noticing the conclusions so obviously to be drawn from the provisions of the rules other than the first—he speaks specifically of the third, fourth, and fifth—says:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

But article 4 of the treaty provides:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

It would be quite reasonable to believe—indeed, it would naturally be assumed—that this provision contemplated transfer of sovereignty consequent upon the recurring revolutions that make so unstable the government of many of the Latin-American Republics, and not the acquisition by the United States of sovereignty over the territory through which the canal might be constructed.

But we are forbidden to narrow the application of article 4 to such a transfer because of what we are told by our ambassador, Mr. Choate, touching the reasons for its incorporation in the draft which eventually received the formal approbation of the high contracting parties.

In his letter to Secretary Hay, dated August 20, 1901, he says, speaking of article 4:

The idea "change of sovereignty," of course, relates to the report of an intention on the part of the United States to acquire a strip of territory on each side of the canal, and "other change of circumstances" is aimed at the argument in some future epoch against the continuance of this treaty that has often been directed against the continuing binding force of the Clayton-Bulwer treaty that "change of circumstances" since 1850 has put an end to it.

He returns to this subject in his letter to the Secretary of date September 21, 1901, wherein, referring to a further conference which he had had in London with Lord Pauncefote, he says:

He no longer insisted upon the words "or other change of circumstances" not affecting the treaty, against my insistance that there might be changes of circumstances which would affect or even nullify a treaty; that there was such a principle of international law, which we can not let go; that what such change of circumstances might be is not determined, nor was it easy to foresee what changes of circumstances might come upon the United States in the next hundred years. But he said they could not give up article 3A altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only.

I do not mean to assert that what our ambassador said, even in the course of his official letters telling of the negotiations concerning the significance of this particular article, is by any means controlling, for I shall contend that we are concerned rather with what the Senate of the United States believed and had a right to believe the language of the treaty meant when ratified by it than by what our negotiators thought would be the effect of any specific provision of it or of the treaty as a whole.

But the letter quoted discloses as an historical fact that it was, while the negotiations were pending, anticipated in England that we might acquire the sovereignty over the territory traversed by the canal, and that it was with that probability in mind the provision under consideration was inserted.

Under these conditions we are not justified in narrowing the scope of the language, plainly embracing it, so as to exclude a transfer of sovereignty to the United States.

We are, accordingly, subject to every provision of the treaty by which we would have been bound had there never been any transfer of territorial sovereignty, for the article plainly states that no such transfer shall either affect the principle of neutralization or the obligation of the "high contracting parties" under the treaty.

By way of digression here I remark that I am utterly unable to agree with some Senators, for whose opinions touching such matters I entertain the highest respect, in the view that the acquisition of sovereignty by the United States over the Canal Zone terminated the Hay-Pauncefote treaty. I can not resist the conclusion that such a condition was anticipated by the representatives of Great Britain, and that express provision was made that it should not. The extract from the letter of Mr. Choate demonstrates, if anything in diplomacy is capable of demonstration, that the Hay-Pauncefote treaty survived the extension of our sovereignty over the territory acquired by us from Panama.

But it is of no practical consequence if the result which is claimed in that regard did follow. We acquired the sovereignty over the Canal Zone and our right to construct the canal by virtue of our treaty with Panama, proclaimed February 26, 1904, the eighteenth article of which is as follows:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

We are accordingly bound by our treaty with Panama in our regulation, management, and control of the canal to observe all the stipulations of the Hay-Pauncefote treaty, and we have no more disposition to disregard our obligations to the feeble Republic than to the Mistress of the Seas, who might enforce them.

If, however, Lord Grey is right, that we may exercise belligerent rights in the canal, if we are wholly or in part exempt from the operation of rules 3, 4, and 5, only because we now exercise sovereign power over the territory traversed by it, then it follows of necessity that had we not acquired the sovereignty which the treaty of Panama gives us, if we had constructed the canal under merely an easement such as the French company enjoyed and such as we would have acquired from Colombia under the Hay-Herran treaty had it become effective, we would have been bound by all the rules and particularly by rules 3, 4, and 5.

Is that the attitude taken by Members of this body, who agree with the general conclusion at which he arrives?

The explanation convicts the British negotiators of perpetrating the absurdity of inserting a provision restraining us from the exercise of acts of hostility should the canal be constructed in foreign territory within which we could wage war only by permission of the local sovereignty and leaving us free to do as we liked should we acquire the sovereignty, a condition which they were informed was likely to ensue.

Can it be possible that we had so bound ourselves by the Hay-Pauncefote treaty that but for the accident of the revolution by which Panama asserted her independence or some other similar convulsion, as a result of which we should find an opportunity to acquire rights of sovereignty over the territory through which we should construct a canal, it would become a convenient channel through which hostile fleets might pass unhindered to ravage our coasts and sack our cities? Were we, indeed, forbidden by rule 2 from exercising any right of war or committing any act of hostility within it?

I propose to show that neither party regarded us as so enjoined. The original Hay-Pauncefote treaty contained a provision to the effect that "no fortifications shall be erected commanding the canal or the waters adjacent." This was omitted in the later treaty. What significance can be given to this omission except it be that Great Britain withdrew her opposition to our fortifying the works? Can it be possible that the later treaty without this language was to be given the same construction as the earlier one which contained it? But to what end was the United States to be permitted to erect fortifications except to exercise rights of war and commit acts of hostility, if need be, within the canal? To what use are fortifications put except to repel the advances and if possible to destroy the forces and engines of war of our enemy? Whatever basis she had theretofore under the Clayton-Bulwer treaty to object to our fortifying any canal we might build, she had none after the Hay-Pauncefote treaty went into effect. In the last letter of Mr. Choate to Secretary Hay, telling of the negotiations with the English foreign office, he concludes his narration by referring in complimentary terms to Lord Lansdowne, of whom he says:

> In substance he abrogates the Clayton-Bulwer treaty, gives us an American canal, ours to build as and where we like, to own, control, and govern, on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ship out and take care of ourselves.

If that does not mean that we were at liberty to repel by armed force the ships of a hostile nation approaching the canal, it will be difficult to assign any significance to it.

In the earlier treaty the counterpart of rule 1 declared that—

> The canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations, etc.

Plainly the omission of the words "in time of war as in time of peace" in the new draft, with the omission of the interdict on fortifications, is irreconcilable with the idea that we were forbidden by rule 2 to commit any act of war or engage in hostilities within the canal.

The significance of the alteration in the language of rule 2 is made clear by Mr. Choate's words: "If we get into a war with any nation, we can shut its ships out and take care of ourselves." The change was made, it would appear, lest any nation might claim that, though it was at war with the United States, its ships were entitled to pass through the canal without hazard of acts of hostility from them.

In appreciation of the inconclusive character of the explanation offered by the British minister touching our rights should we become belligerents and those we would have been entitled to exercise under like conditions had we not acquired the sovereignty of the Canal Zone, it is said on the floor of the Senate that the rules subsequent to the first found in article 3 would not be applicable in case we were at war, since the treaty would then fail and be inoperative. Undoubtedly if we were at war with England the treaty would not restrain our action. Neither party would pay any attention to its treaties with the other under such conditions. *Inter armes silent leges.*

But a war between the United States and some nation other than Great Britain would not terminate the treaty.

The inquiry being pursued assumes the existence of war between our country and, for example, Japan, with which it is understood she sustains intimate treaty relations. If we use the canal as a military base against any nation other than herself, have we violated the treaty and given her provocation to make war upon us also? Have we failed to observe "these rules" and thus forfeited the right to have our own ships pass the canal? Unquestionably that is the predicament in which we are placed if rule 2, except as therein specified, applies to the United States at all.

It ought to be noted, in passing, that, though Lord Lansdowne declared that by acquiring the sovereignty over the territory traversed by the canal, rules 3, 4, and 5 were perhaps not applicable to the United States, he refrained ominously from committing himself as to rule 2.

Still another effort to resist the compelling force of the terms of the later rules upon the construction that should be given to the treaty as a whole is to be noticed. It is said that inasmuch as we are obligated to defend and preserve the neutrality of the canal we must be permitted to defend it against attack by hostile forces, even to wage offensive war the better to defend this great highway, and that therefore we are not subject to the restrictions which are imposed upon other belligerents.

In the first place, we have not undertaken either to defend the canal or to preserve its neutrality. We shall choose to do both and to observe strict neutrality in our management of it between any two warring nations. But we violate no obligation of the Hay-Pauncefote treaty by any inaction on our part.

If it be admitted, however, that we are bound both to defend it and to maintain the neutrality of the canal, is not the argument that by reason of such obligation we are not bound by rules 2, 3, 4, 5, 6, and 7 an admission that by reason of the peculiar relations we sustain to the canal our Nation is not within the spirit, though it may be within the letter, of the language used? And if this be true, why was not the exemption plainly expressed, making rule 2 to read: The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it, *except by the United States.*

Rule 3. Vessels of war of a belligerent, *other than the United States*, shall not revictual nor take any stores in the canal, etc.

Rule 4. No belligerent, *other than the United States*, shall embark or disembark troops, munitions of war, or warlike materials in the canal, etc.

Rule 5. Vessels of war of a belligerent, *other than the United States*, shall not remain in such waters (within 3 miles of either end) longer than 24 hours at any one time, etc.

Rule 6. The plant, etc., shall enjoy complete immunity from attack or injury by belligerents, *other than the United States*, etc.

There is only one answer to make, namely, that such repetition was unnecessary, as none of the rules applied to the United States.

It must be admitted that the concluding clause of rule 2 presents a problem in construction not easy of solution. The first sentence is a prohibition of acts of war within the canal. Then follows this: "The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." It might seem that this clause defines the extent to which the canal might be garrisoned and that the purpose of its insertion was that the United States, being bound by what preceded, the language of the prohibition was not to be deemed to extend to the employment of military police for the suppression of lawlessness and disorder. It would follow reasonably that if the United States was bound by rule 2, except as therein stated, it was bound by all the other rules.

But this view is not to be tolerated, because it is admitted on all sides that we are not, and never were, limited by the treaty in respect to the armed forces we might maintain at and about the canal to military police for the suppression of lawlessness and disorder. This clause obviously does not entitle us to maintain there a military establishment adequate to repel invading armies. The conditions contemplated are those of peace, not war. Police perform civil, not military, duties, and military police are civil officers having a military organization. Lawlessness and disorder often accompany war, but these terms are not applied to disturbances implied in invasion by an armed public foe.

The right to erect fortifications for the defense of the canal being clearly conceded, the right to engage in hostilities in and from the canal must likewise have been conceded. Indeed, there was a frank acknowledgment on the part of Great Britain in the course of the negotiations of her purpose to permit us to defend the canal against hostile attack, as appears by the following from the letter of Mr. Choate of August 16, 1901, to Secretary Hay, namely:

> He (Lord Lansdowne) recognizes our "desire to reserve the power of taking measures to protect the canal at any time when we are engaged in war"; that "contingencies may arise when it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities," and "the necessity" and, of course, "the right of the United States *to interfere temporarily with the free use of the canal by the shipping of another power.*"

The clause under consideration formed a part of rule 7 of the first Hay-Pauncefote treaty, which forbids the erection of fortifications. It had an appropriate place in connection with such a provision. Its significance in the new treaty is exceedingly obscure.

It can not be admitted, however, that the rules other than the first two apply to the United States, and the conclusion necessarily follows that none of them do.

COASTWISE SHIPPING.

But if the United States is included in the expression "all nations," as used in the first rule, it does not follow that the exemption attached, which extends only to vessels engaged in the coastwise trade, is in violation of the treaty.

I propose to be brief in my presentation of this contention, in view of the elaborate consideration it has received, intending to return to notice a line of argument that has been followed touching the conclusions that are to be drawn from the reference in the treaty to the principle of neutralization and from declarations of statesmen touching our purpose to give to all nations the benefits accruing from the construction of the canal equally with ourselves.

All maritime nations have recognized in their legislation an essential difference between ships engaged in the coastwise trade—that is, ships sailing from one domestic port to another—and those in over-seas commerce, sailing between the ports of different nations. Our laws admit to the coastwise trade only American vessels. Until recently Great Britain pursued a similar policy. Prior to 1817 the monopoly of the coastwise trade was secured to American shipping by discriminatory tonnage duties. In that year a law of Congress was enacted declaring that "no goods, wares, or merchandise shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States in a vessel belonging wholly or in part to a subject of a foreign power." Save for some unimportant exceptions since engrafted upon the law, applicable to shipping in the waters adjacent to Canada, it remains in force to this day. Two years before it had its birth the treaty of Ghent was signed, containing a provision to the effect that—

No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territory in Europe in the vessels of the United States than shall be payable in the same ports on British vessels.

Notwithstanding the obligation imposed by the language of that treaty, the United States not only continued to impose upon British vessels entering our ports heavier tonnage and other dues than were exacted of our own vessels engaged in the coastwise trade, theretofore so onerous on foreign ships as, in effect, to be prohibitive, but the latter were denied the right to engage in that trade at all.

In this legislation Kent says that the United States only imitated the policy of England and other commercial nations.

We continue to impose tonnage dues upon ships entering our ports from foreign countries from which our vessels engaged in the coastwise trade are exempt.

The one hundredth anniversary of the signing of the treaty of Ghent is to be celebrated next year. For a century we have favored our coastwise shipping in respect to the charges imposed upon vessels entering our ports, with never a protest from England. She excluded all foreign ships from her coastwise trade until 1853, and persevered in the policy of relieving them of port dues which were exacted of foreign ships, even those engaged in the coastwise trade after they were admitted to it, until by the customs consolidation act of 1876 it was declared that foreign ships engaged in the coastwise trade should not be subject to higher rates than British ships.

The two countries have thus put a practical construction on the language of the treaty. The passage of ships from one port of the country to another being so peculiarly a matter of domestic concern, they were not deemed by either Government to be within the purview of the treaty. The policy of favoring coastwise shipping being so general, it could not have been deemed the purpose of either party to the contract to abandon it. The treaty was so interpreted by the Supreme Court of the United States in the oft-cited case of Olsen v. Smith (195 U. S., 332). A law of Texas imposed a pilotage charge upon all vessels entering the ports of that State save those engaged in the American coastwise trade. It was claimed that this statute was in contravention of the provision of the treaty with Great Britain above quoted. The Supreme Court declared there was no merit in the contention. Its views are expressed in the following brief paragraph:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign.

Mr. HUGHES. Mr. President, will it embarrass the Senator if I ask him a question?

Mr. WALSH. Not at all.

Mr. HUGHES. Is it not a fact that the provisions of the treaty to which the Senator refers especially stipulate that the treaty itself shall be subordinate to all laws enacted by the United States and to all State laws?

Mr. WALSH. Mr. President, my attention has not been called to such a feature of the treaty, simply because the Supreme Court of the United States seemed to consider that if there were such a provision in the treaty it had no bearing at all upon the question presented to it for determination. Such a consideration is not even adverted to. The suggestion now made by the distinguished Senator is that the eminent counsel who argued that case before the Supreme Court of the United States and the learned judges who decided it overlooked this important provision now presented.

Mr. WILLIAMS. Mr. President, is the Senator from Montana aware of the fact that this language appeared in the treaty of 1815:

The permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories—

and that ships engaged in foreign trade and ships engaged in the coastwise trade were both mentioned in that treaty, and that in this particular treaty they are not mentioned?

Mr. WALSH. Of what consequence is it if such language is found there? It was not upon it that the decision of the court was based. It was reached as though there were none such. These are some late discoveries by some learned counsel, who now advise us that the Supreme Court of the United States overlooked the most important consideration when they decided the case of Olsen against Smith, as did also the counsel who prepared and argued the case. Why, Mr. President——

Mr. WILLIAMS. If the Senator will pardon me——

Mr. WALSH. If the Senator will pardon me just a moment. I am not complaining about that, of course. England continued to exclude foreign nations from her coastwise trade, as I have said, until 1853, whether there was a provision or whether there was not a provision in the treaty; that is not the question.

Mr. WILLIAMS. Mr. President——

Mr. WALSH. Just a moment. The proposition is, Mr. President, that she continued to impose higher duties and charges upon our vessels entering her ports, so far as they were permitted to enter her ports, than she charged British vessels engaged in the coastwise trade. Now, let us not get away from that.

Mr. WILLIAMS. If the Senator will pardon me, my object was not to say that the Supreme Court decision was not put upon the right ground; it was not necessary for the Supreme Court to put it upon any other ground than it did, but the historical fact which ought to be kept in mind is that this treaty expressly said that the provisions of it did not apply so as to permit the United States vessels to engage in the coastwise trade of Great Britain, and the discriminations which Great Britain made in charges were discriminations in favor of the coastwise trade as against deep-sea commerce.

Mr. WALSH. Mr. President, of course the fact has now been brought to the attention of the Senate, and the pertinency of it in connection with the view of the Supreme Court of the United States will be best judged from the fact that the astute judges said nothing at all about it.

I am unable to perceive any reason why this case must not be considered as an authoritative determination, so far as our country and its citizens are concerned, of the question we are now considering. I have never heard or read that anyone doubted the soundness of the conclusion arrived at unanimously by the court. I have followed the debates in both Houses of Congress with some degree of care, and have yet to hear or read of any ground upon which it can be claimed reasonably to be inapplicable. It was said, indeed, that the court had simply held in that case that a classification for the purpose of fixing pilotage fees might be made, the one class embracing vessels engaged in the coastwise trade and the other those engaged in the over-seas trade. Quite true. But the same conditions that will permit putting coastwise vessels in one class, and saying that such class shall not be subject to the payment of

pilotage fees, will permit a similar classification in respect to canal tolls. The classification is permitted in both cases because the foreign ship, not being entitled to engage in the coastwise trade, can not be discriminated against, whatever exemption from dues or charges is accorded to those ships which are.

It has been suggested also, in order to escape the conclusive force of the decision in Olsen against Smith, that pilotage, wharfage, harbor, and light dues are local exactions, petty in character, intended to meet expenditures necessary to permit commerce to exist, and that they are not included within the terms of the treaty of Ghent forbidding discrimination against British ships in respect to "charges" in any ports of the United States. But if such exactions are not "charges" within the meaning of the treaty, pray, what are? Are tonnage dues? Well, we levy tonnage dues on all ships coming into our ports from foreign countries, but impose none whatever on ships trading from one port to another of our own country. Great Britain might as well protest against this practice, in which she has acquiesced for a century, as to protest against exempting such ships from the payment of a tax or toll for passing through the canal. It is a highly significant circumstance, the importance of which can not be overestimated, that while in the note of Mr. Innes, the British chargé d'affaires, conveying the first protest of his Government concerning the legislation attacked as entailing national dishonor, the admission was substantially made that the United States had the right to exempt its coastwise shipping from the payment of tolls, no attention whatever was given in the more elaborate presentation of the general subject in the letter of Lord Grey to Ambassador Bryce to the very substantial grounds upon which it is claimed the exemption as to such can be justified, as elucidated repeatedly in this debate.

He urged, first, that unless all shipping is charged, the burden would be disproportionately heavy upon that of foreign countries; but this was answered by our State Department, that in fixing the tolls all tonnage likely to go through was considered, and that no heavier rates were fixed on account of the exemption, our Government concluding to bear the burden that would fall otherwise upon our coastwise shipping. He advanced as a second ground that "coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example: If cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship, could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board the foreign ship."

But witnesses of the highest character, familiar with every detail of the shipping business, testified before the Senate committee that such a practice could not be pursued with profit, and that there was no likelihood that it would be followed. If it should be, it would be a simple matter to suppress it through an appropriate criminal statute.

As a third reason for alleging that the exemption is discriminatory, he suggested that American vessels not engaged exclusively in the coastwise trade would enjoy the exemption. Again, reliable witnesses tell us that few vessels which touch at ports along either shore will pass through the canal; that competition will compel steamers using the canal to make the most rapid voyage possible between their termini. The ships of the Panama Railroad Co. make direct voyages between New York and Colon. But this objection assumes that vessels not engaged exclusively in the coastwise trade will enjoy the exemption. Whether they will or not has not yet been decided; but if valid, the objection could be removed by an amendment of the act that would have no appreciable effect upon the volume of the traffic that would go through free.

OUR ATTITUDE HISTORICALLY CONSIDERED.

I recur now to consider some arguments that have been advanced, in a way collateral, to support the contention that we are not at liberty, consistently with the Hay-Pauncefote treaty, to exempt any of our vessels from the payment of tolls. It is said that the treaty in question must be construed in the light of history and in view of the repeated declarations of our statesmen. In this connection a long list of extracts from papers of public officials of high station is presented, each a declaration of a purpose to admit all the world to equal privileges with ourselves in the canal, to enjoy it on the same terms as we.

We should, indeed, have regard to the lessons of history, but we are more apt to fall into error than to be led to a just conclusion concerning the proper interpretation of a treaty made in 1901, in preparation for the construction of an American canal by American minds and American money, in response to an intense national sentiment that was jealous of any, even the least, participation by any foreign power in our control over it, if guided by what was said by our publicists when we were inviting the civilized world to join with us in the work, to share the sacrifices necessary to complete it, and to ally themselves with us for its operation, maintenance, defense, and neutralization.

The references usually commence with the instructions of Henry Clay to the representatives of the Panama Congress in 1826, and the following is quoted:

> If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

In the interest of historical accuracy, as well as to set this statesman aright before this generation of his countrymen, it ought to be said that he did not have in contemplation a canal to be constructed by our Nation alone, for the language quoted was immediately preceded by this:

> What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one power.

The Senate resolution of 1835 is given in part, but reading the whole it is disclosed that the President was instructed to open negotiations with "other nations" with a view to protecting by treaty stipulations any individuals or companies that might be induced to build the canal. A part of the following message of President Polk, sent to Congress in the year 1846, usually forms part of the collection, namely:

> The ultimate object, as presented by the Senate of the United States in their resolution (of March 3, 1835), to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted, indeed it is confidently expected by the Government of New Granada, that similar guaranties will be given to that Republic by Great Britain and France. * * * The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.
>
> Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign States nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

The Clayton-Bulwer treaty was framed in accordance with the then dominant idea of allying all the great commercial nations of the earth in raising the money to construct the canal and to maintain its neutrality. Very naturally, when all joined in the work, each contributing its just proportion, each obligating itself to protect and defend it, it would have been at once rapacious and ridiculous in us to entertain a purpose to have our ships go through the canal free while tolls were exacted of other nations contributing as much proportionately as we, or that ours should pass through the canal on any terms more favorable than theirs.

It will be well to bear in mind, too, that the Clayton-Bulwer treaty did not provide that the ships of all nations should enjoy the privileges of the canal on terms of equality, but only the ships of such nations as might enter into treaty stipulations binding them in like manner as were the high contracting parties bound by that instrument. And even the famous eighth article did not stipulate that the canal should be open on equal terms to the citizens and subjects of every State, but only to the "citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

Neither the United States nor Great Britain at that time entertained any idea of building the canal, either jointly or severally, or even of endeavoring to induce capitalists to invest in such an enterprise on an undertaking with them alone to protect it and maintain its neutrality, and then have it thrown open to the world on the same terms as they themselves might prescribe or exact from the builder in return for their protection. They clearly declared their purpose to admit no nation to the advantages which they were to enjoy unless it would agree to join in affording the protection of which experience had shown such a waterway stood in dire need. The principle of the Clayton-Bulwer treaty was that there should be equality among the nations under whose auspices the canal should be built, and which should engage to maintain its neutrality. The parties to that treaty were to be at liberty to deal with the other nations, assuming no burden, as they saw fit.

The Hay-Pauncefote treaty, on the contrary, contemplated that the United States alone should construct the canal or procure it

to be done; that it alone should maintain and defend it and preserve its neutrality. It was not on the same footing as the other nations, making no sacrifice of either life or of treasure, temporary or permanent. The United States simply stipulated that she would treat them on terms of equality, all being equally meritorious—that is, having no merit except in the good will they bore us in the enterprise. It was a necessary corollary of the original plan of constructing the canal that it was not to be fortified. If the United States, England, France, and Germany should enter into a treaty or a series of treaties obligating themselves, as was contemplated by the Clayton-Bulwer convention, it would be dangerous as well as needless to fortify the canal. It was quite to be expected, accordingly, that a powerful sentiment should grow up against any military occupation of the territory it was to traverse. And this antagonism to any use of the canal for purposes of offense or defense in time of war, except the peaceful passage of ships, is frequently found intertwined with the idea of equality of tolls. Thus President Cleveland, in his message of 1885, is quoted to the effect that—

> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chances of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *
>
> These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit, and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

But the main idea thus expressed was utterly abandoned before the second Hay-Pauncefote treaty was entered into. We had determined to build the canal ourselves, unaided by any nation, primarily for the purpose of national defense. When the first treaty came before the country there was a storm of disapproval because of the provision prohibiting fortifications. Yielding to the pressure of public opinion, the Senate adopted the Davis amendment, providing that the United States might, notwithstanding the treaty, take any steps which seemed to them wise for the defense of the Nation.

Much stress has been laid upon the views of Senator Davis, expressed in the report of the Committee on Foreign Relations, quite in harmony with those of President Cleveland above quoted, and affording support to the idea as well, that though we should construct the canal we ought to permit all nations to enjoy its advantages on terms of equality with ourselves, and particularly that we, like they, should be subject to tolls. But he argues persuasively in the report and on like grounds against fortifying the canal, and the treaty he reported favorably contained a provision against fortifications. He intended we should have no advantage over other nations in respect to the canal, either military or commercial. He did, indeed, report the amendment referred to, under which the United States was to be permitted to take any steps it saw fit for the national defense. Senator Morgan, however, in the minority report declared that such provision was at war with the idea of the neutrality of the canal.

Lord Lansdowne pointed out that a treaty containing two such obviously contradictory provisions would be too ambiguous for any use. The ideas of Senator Davis did not prevail. The temper of the country manifested itself so unmistakably that when the treaty again appeared the prohibition against fortifications was not in it. But this change was not accomplished without protest on this side. Ill-tempered comment was indulged in by that portion of the public press which somewhat instinctively, apparently, takes the side of Great Britain in these controversies as they arise from time to time. I shall detain the Senate to read from but one editorial, from a multitude of like character at my command, from the New York Times. It said:

> The contention that we must have the authority to pass our own ships while forbidding the passage of our enemy's is simply foolish. As a political demand it would never be granted by the nations of the world. As a point of strategy it would be futile, since no conceivable fortifications or means of defense which we might set up could be relied upon to protect the canal against effective obstruction by the enemy. We can well afford to take our chances in the time of war with the canal, since it will manifestly give us greater advantages than it will give our foe.

The New York Herald called the contention for a fortified canal a "snarling, dog-in-the-manger policy, petty and ridiculous in a nation which has attained the rank and dignity of this country."

The sentiment thus expressed did not dominate. A more patriotic purpose actuated the United States Senate, and the designs of those who would have left the canal open to seizure by her great navy in the unhappy event of a war with Great Britain were frustrated.

A tremendous change had ensued touching the relations the United States ought to bear to the canal after the Spanish-American War. That sentiment, excellently reflected in the Senate, forced out as well the provision of the earlier treaty whereby the rules for the "neutralization" of the canal were adopted by Great Britain and the United States and the article which contemplated that the other great powers should be invited to join in the treaty. It may here be remarked that the comments of both Mr. Hay and Mr. Choate are to be read in recognition of the fact that they were willing that this country should bind itself by the provisions of the original draft.

THE PREAMBLE.

Much persuasive force is claimed for that recital in the preamble of the treaty which declares the purpose of the parties to it to be to facilitate the construction of a canal "without impairing the 'general principle' of neutralization established in article 8" of the Clayton-Bulwer treaty, which general principle is said to give equality of terms to the citizens and subjects of all nations, including both Great Britain and the United States. I have shown that no such principle was either declared or established by article 8 of the Clayton-Bulwer treaty. It declared for the principle of equal terms to the citizens and subjects of all nations which should enter into an obligation to grant such protection to the canal as the two nations being parties to it bound themselves to afford. The citizens and subjects of other nations were subject to be dealt with as the powers controlling the canal might choose.

It will be borne in mind that the language of the treaty upon which reliance is placed forms no part of the covenants thereof. The most that can be claimed for it—all that can be claimed for it—is that it may be resorted to in order the more correctly to arrive at what the parties intended to express by the language they did use in that part of the treaty by which they did respectively obligate themselves. The preamble of a treaty or a statute may be resorted to for the purpose of clearing up any obscurity that may exist in the body of it. It serves the purpose of a guide to the doubtful or bewildered. But if it is itself as obscure as the instrument whose meaning it is intended to illuminate, it ceases to be of value as a guide. "The blind leading the blind" may reach the destination sought by both, but the chances of going astray are not measurably diminished.

What is that "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty? It will be recalled, a fact heretofore adverted to, that the original treaty went back to England with one rule forbidding fortifications and another provision, proposed as an amendment by the Senate, that nothing in the treaty was to be construed to prevent the United States from taking any measures for the national defense. Touching this amendment the Marquis of Lansdowne said, in his letter to Lord Pauncefote, dated February 22, 1901:

> Even if it were more precisely worded it would be impossible to determine what might be the effect if one clause permitting defensive measures and another forbidding fortifications were allowed to stand side by side in the convention. To His Majesty's Government it seems, as I have already said, that the amendment might be construed as leaving it open to the United States at any moment, not only if war existed but even if it were anticipated, to take any measures, however stringent or far-reaching, which in their own judgment might be represented as suitable for the purpose of protecting their national interests. Such an enactment would strike at the very root of that "general principle" of neutralization upon which the Clayton-Bulwer treaty was based and which was reaffirmed in the convention as drafted.

The British minister of foreign affairs, in February, 1901, understood that the general principle of neutralization referred to in the preamble of the treaty, whose terms were then the subject of negotiation, had reference to the military occupation of the canal by the United States.

I have given you the words of his own letter. Now, let me introduce an important conversation he had about the same matter with our minister, Mr. Choate, as told in the letter of the latter, dated August 16, 1901:

> I called his attention to the fact that while the preamble of the Clayton-Bulwer treaty limits the object and subject of the treaty to the Nicaragua route, and the eighth article carefully avoids the use of the word "neutrality," but merely agrees to extend the "protection" of the two Governments to other routes, and that in granting such joint "protection" the understanding is that canals by other routes shall be open on equal terms to the subjects and citizens of the two nations and of every other State which is willing to grant the same "protection," all of which was extremely vague and uncertain, and omitted the "guaranty of neutrality," that wanting to get rid of the Clayton-Bulwer treaty altogether we shouldn't want to make any part of it by a new covenant stronger than it was before. Whereas his new article 3a makes the eighth article a great deal stronger than it was before, and saying nothing about "protection," which is, of course, inapplicable to a canal wholly American, fastens the rules of neutrality of article 3, which he calls "stringent rules" upon all future routes. He said he thought article 8 of the Clayton-Bulwer treaty clearly inferred neutrality. But I said it was only an inference—the word used was "protection."

Now, pray tell what that general principle is? Lansdowne says it is "neutrality," Choate says it is "protection." From his own letter it is apparent that when the minister said "neutrality" his mind dwelt on fortifications and defense. This is the important article 8:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications whether by canal or railway across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be noticed it establishes no general principle, but recites that a general principle is established by the treaty, doubtless meaning the preceding provisions thereof. What was the principle? First, no fortifications; second, the union of all commercial nations by treaties to insure and maintain its neutral character; third, equal terms to all nations affording such protection.

The principle is wholly at war with the Hay-Pauncefote treaty. The recital in the preamble means nothing. It never was intended that it should have any force. Mr. Choate tells us all about it in his letter to Secretary Hay, of August 20, 1901, in which he says:

Lord Lansdowne's object in insisting upon article 3A is to be able to meet the objectors in Parliament by saying that although they have given up the Clayton-Bulwer treaty they have saved the "general principle," and have made it immediately effective and binding upon the United States as to all future routes and have dispensed with future "treaty stipulations" by making it much stronger than it was before.

We wanted the Clayton-Bulwer treaty abrogated. Lansdowne recognized the inestimable value the canal would be to Great Britain and did not desire to stand in the way. The recital might afford to allay partisan criticism of his action. It was put in for such use. It has no other significance and never was intended to have any other.

THE ALLEGED ANALOGY OF THE SUEZ CANAL CONVENTION.

It does not seem necessary to dwell upon the argument drawn from a supposed analogy between the Panama Canal and the Suez Canal, or from the language of the Hay-Pauncefote treaty which refers to the rules which the United States, and the United States alone, "adopted" as the basis of the neutralization of the canal referred to as being "substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal."

That canal was constructed by a private corporation as a business enterprise in the expectation that it would yield a profit to the adventurers who constructed it and the stockholders who provided the funds or those who succeeded to their interests. Nine of the great nations of Europe united in the convention. Not one of them was a party to the work of construction. They agreed by the treaty of Constantinople to refrain in time of war from attacking or exercising any military control over it. They invited other nations to join them in the undertaking, to which they voluntarily became bound. The instrument bore a very close family resemblance to the Clayton-Bulwer treaty. Equality of tolls to all nations, without any exception, was a corollary of such an agreement among nations so situated.

THE BARD AMENDMENT.

With much confidence it is asserted that the action of the Senate on the Bard amendment to the first Hay-Pauncefote treaty forbids the idea that we reserved the right under the second to exempt our coastwise vessels. Senator Bard proposed an amendment when the first treaty was under consideration, in the year 1900, as follows:

ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

It was rejected by a vote of 27 to 43. Not a few of the Senators who voted against it now assert that they did so believing that the amendment was unnecessary—that the right might be exercised under the treaty as it stood. The author himself declares that such a sentiment prevailed quite generally, and that he desired to have the provision incorporated in the treaty to remove all doubt. Others who voted against it believed the treaty gave no such right, and desiring that our Government should claim no such right, voted as they did.

It is conceivable that every man who voted for the amendment did so not himself doubting that the treaty authorized the action taken but to forestall any claim that such right did not exist. Equally, every man who voted against it may have done so believing that the right so plainly existed under the treaty as it was framed that it was useless to burden it with a specific provision.

When the existing treaty was before the Senate for ratification Senator CULBERSON—who, I am very glad to say, is with us here to-day—proposed the following amendment:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

It was rejected by a vote of 15 to 62. By the course of reasoning the supporters of the pending measure pursue with reference to the Bard amendment we reach the conclusion that the true meaning of the refusal of the Senate to adopt that offered by Senator CULBERSON is that we abandoned and renounced all right to take any measures in conflict with rules 1, 2, 3, 4, or 5 of the treaty necessary to secure by our own forces the defense of the United States and the maintenance of public order.

The treaty having been considered in executive session, we have no record of what was said for or against the amendment by any Senator. Quite strangely we are told nothing, or very little at least, of what was said about it at the time, by those who were in a position to know. But if we were, the information would be no safe guide as to the significance of the action of the Senate.

The rejection of an amendment to a bill in the course of its passage, even when accompanied with a report of the debate, is so useless to a court in construing the act in which it eventuates that the circumstance is wholly disregarded. The very question here presented was considered by the Supreme Court of the United States in United States v. Trans-Missouri Freight Association (166 U. S., 290). The inquiry before the court in that case was as to whether the Sherman Act interdicted combinations of railroad corporations or affected joint-traffic agreements between them.

The House amended the Senate bill in its passage, adding a provision making it unlawful to enter into any contract for the purpose of preventing competition in the transportation of persons or property. This amendment went out in the conference committee, and the bill was finally agreed to in the form in which it originally passed the Senate. The Supreme Court held that notwithstanding this history the act did extend to railroad consolidations and combinations, saying in the opinion:

Looking at the debates during the various times when the bill was before the Senate and House, both on its original passage by the Senate and upon the report from the conference committees, it is seen that various views were declared in regard to the legal import of the act. Some of the Members of the House wanted it placed beyond doubt or cavil that contracts in relation to the transportation of persons and property were included in the bill. Some thought the amendment unnecessary, as the language of the act already covered it, and some refused to vote for the amendment or for the bill if the amendments were adopted, on the ground that it would then interfere with the interstate-commerce act and tend to create confusion as to the meaning of each act. * * *

All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act as we determine the meaning of other acts—from the language used therein.

There is, too, a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. *United States* v. *Union Pacific Railroad Co.* (91 U. S., 72, 79); *Aldridge* v. *Williams* (3 How., 9, 24; Taney, Chief Justice); *Mitchell* v. *Great Works Milling & Manufacturing Co.* (2 Story, 648, 653); *Queen* v. *Hertford College* (3 Q. B. D., 693, 707).

The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did, and those who spoke might differ from each other, the result being that the only proper way to construe a legislative act is from the language used in the act and, upon occasion, by a resort to the history of the times when it was passed.

The doctrine of that case was reasserted in Maxwell v. Dow (176 U. S., 581), in which the court said:

What individual Senators or Representatives may have urged in debate, in regard to the meaning to be given to a proposed constitutional amendment or bill or resolution, does not furnish a firm ground for its proper construction, nor is it important as explanatory of the grounds upon which the Members voted in adopting it. *United States* v. *Trans-Missouri Freight Association* (166 U. S., 290, 318); *Dunlap* v. *United States* (173 U. S., 65, 75).

In case of a constitutional amendment it is of less materiality than in that of an ordinary bill or resolution. A constitutional amendment must be agreed to not only by Senators and Representatives but it must be ratified by the legislatures or by conventions in three-fourths of the States before such amendment can take effect.

It must not be forgotten that a treaty, like a constitutional amendment, must be ratified. It is interesting to know what

our negotiators said, but the real question to determine is what the Senate of the United States, when it ratified the treaty, properly understood to be the meaning of the language used. It might, however, be said in passing that there is nothing in the correspondence which indicates that the questions here being considered were deoated or that they had the particular attention of the negotiators on either side. Their minds dwelt on the features of the treaty which affected the question of neutralization, as that word is commonly understood in international law, and those which related to the participation of other nations in the treaty.

The senior Senator from Massachusetts, who participated in the negotiations while they were in progress in London, is unable to tell us that he heard the specific questions which now perplex Congress discussed at all, and he has given to the Senate his opinion that we did not surrender the right to exempt our own shipping from the payment of tolls.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH. I do.

Mr. GORE. It would be to some extent a matter of speculation, but I should like to have the Senator's opinion on one point. I should like to know if the Senator thinks Great Britain would have ratified the Hay-Pauncefote treaty if the Bard amendment had been adopted?

Mr. WALSH. I have already expressed my opinion that she would very gladly have done so; that considering the immense interests she had at stake and the tremendous advantage she must get from the construction of the canal and yielding nothing that she had to give, her desire to avoid being put in a dog-in-the-manger attitude would impel her to approve the treaty under any reasonable stipulations.

Mr. GORE. I was not present when the Senator discussed that point.

Mr. WALSH. That is my view of it.

THE WELLAND CANAL EPISODE.

There was no principle at issue or determined in the Welland Canal controversy that makes that episode helpful in the solution of the problem of our rights under the Hay-Pauncefote treaty. Great Britain agreed, so far as she could do so for Canada, that our citizens should have the use of canals in the Dominion on the same terms as its citizens. We agreed that the Canadians might have the use of ours on the same terms as our own people.

I regret very much that the Senator from Georgia [Mr. SMITH], who paid considerable attention to this subject the other day, is not here. An order was issued and enforced by the Canadian Government fixing the toll for the passage of all vessels through the Welland Canal at 20 cents per ton cargo. But in respect to grain destined to Montreal and points east a rebate of 18 cents was allowed. The result was to give a very decided preference to Canadian ports in the export trade. We protested vainly and eventually enacted retaliatory legislation, under the stress of which Canada yielded, though the British Government never admitted that the treaty had been violated. It was explicit in its terms. Each nation yielded something to the other. Canada had canals we wanted to use. We had similar waterways she desired to utilize. The controversy presented no question of the construction of the treaty.

There was no possibility of mistaking the countries to which the stipulations of the treaty applied. Canada and the United States were specifically named. It is not a little surprising that the incident should be referred to as shedding any light on the question as to whether the words "all nations" in the present treaty do or do not include the United States—whether ships engaged in the coastwise trade are or are not included within the designation "vessels of commerce" as used in the Hay-Pauncefote treaty.

There was involved the question as to whether the "rebate" of the tolls was the equivalent of a subsidy, and whether the treaty forbade the granting of a subsidy equal to the tolls. But the diplomatic correspondence discussed neither of these questions. No declaration on either side has been cited to illumine the dark places in the Hay-Pauncefote treaty, because none was made that can so serve us. Reference to it in this discussion to support the justice of the repeal suggests a desperate cause.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. I noticed that the other day in the debate before the Senate it seemed to be a mooted question as to whether this rebate going to the Canadian side was allowed only to Canadian vessels or whether it included all vessels.

Mr. WALSH. No; it was allowed to all vessels. It was intended to make the Canadian ports preferable for export business over the American ports.

CONCLUSION ON TREATY RIGHTS.

I can not accept the view that, having spent $400,000,000 in the construction of this great work, having made a contribution to the commerce of the world, to the happiness of mankind more stupendous than any other of which history tells, we may not pass our own ships through it on voyages from one port to another of our own country on such terms as our Government may see fit to impose.

And I am loathe to believe, except as the formal protest lodged with the State Department forces me to, that any nation enjoying the use of the canal upon just and reasonable charges, and without favoritism to any other, would prove so unappreciative of our sacrifices and our beneficence as to object to any course we might care to pursue in that behalf.

Nor am I able to perceive that the treaty is to have any different interpretation because it contemplated that the canal might be constructed by a private corporation, a portion of whose stock our Government would buy or which might be aided by a grant or subsidy. It is a matter of history that the United States was itself going to undertake the work. The treaty implies that it was to exercise such control, at least, over the work as that it could require any individual or association who did build it to exact no more than just and reasonable fees, uniform to all nations. If it became a mere stockholder, it, of course, could have no special privileges. The other stockholders could complain. It would be unnecessary for foreign nations to do so. If it was not a stockholder, it might make any kind of a contract, under which it would obtain concessions for its shipping, public and private, as a consideration for the aid it might extend.

THE ALLEGED CONFLICT SHOULD BE SUBMITTED TO THE SUPREME COURT.

Whenever differences of opinion exist in this country touching the construction of acts of Congress or their harmony with the Constitution we look with confidence and hope, if the question be one of great national concern, to an adjudication of them by the Supreme Court of the United States. That tribunal occupies a unique place, not only in the esteem of our own people, but in the regard of the jurists of the world. It passes judgment on controversies between sovereign States and interprets and applies the principles of international law. It would be most fortunate if, in the uncertainties that surround the rights we enjoy in respect to the extent of control we may exercise over the Panama Canal in view of the Hay-Pauncefote treaty, we could be guided by the clear light of a direct decision by that court.

No arbitral tribunal that could be assembled would be hedged about by so many guaranties of impartiality in its judgment. It must defend the conclusion at which it arrives before the world. It has a stainless record of a century and a quarter to maintain. The division of opinion in our country, both with respect to the correct interpretation of the treaty and the economic wisdom of the law, affords a further guaranty of judicial fairness in its consideration of any question which might come before it touching the true intent of the parties to the treaty as expressed in the language they used.

In view of the differences which have prevailed it is, in my judgment, to be regretted that the law was not so framed as to invite a determination of the basic inquiry as to our rights under the treaty. It is not yet too late. I am convinced that the views of the Supreme Court would be accepted by a waiting world as a settlement of the question which, disguise it as we may, is the question in this debate. But if its determination should not be so accepted, it would, at least, unite our own people. If adverse to our right, consistently with the treaty to grant the exemption which the canal act extends, the Congress would hasten to repeal the offending clause. If the right should be sustained our Government would have back of it a united people in any diplomatic conference that might endeavor to adjust the differences to which the varying views of the treaty have given rise.

The Executive ought not to find it difficult to satisfy importunate foreign ministers by the assurance that he was diligently seeking to obtain the advice of the highest tribunal of the land with respect to the correct interpretation of the treaty on which he, unfortunately, found himself at variance with his immediate predecessor, a lawyer of profound learning, a judge of experience and discernment.

If Senators who are advocating the passage of the pending bill do not dread the decision of the Supreme Court, I may with some confidence ask their support of an amendment of-

fered by me, originally proposed by former President Taft, which I ask be now read from the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert in lieu thereof:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

That nothing contained in the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

THE QUESTION IN ITS ECONOMIC ASPECT.

Mr. WALSH. I am convinced that the predecessor of the present President was right in the view he took, and which he supported in a vigorous opinion that the treaty is not violated by the canal act. Richard Olney, Attorney General and Secretary of State under President Cleveland, equally eminent as a jurist, holds the same view. Hannis Taylor, a recognized authority on constitutional and international law in Europe and America, argues convincingly to the same conclusion. Mr. Taft's Attorney General, George W. Wickersham; his Secretary of State, P. C. Knox; and Charles Bonaparte, Attorney General under Mr. Roosevelt, all concur in this view. It is significant that the present Attorney General has expressed no opinion to the contrary.

A diligent study of the subject has convinced me that we have the right to exempt our coastwise shipping. Were it an open question much might be said on the wisdom of the policy of giving this concession to our coastwise shipping in addition to the monopoly it now enjoys. It must be borne in mind that the great economic consideration inducing the building of the canal was the desire to secure water competition to moderate the exactions of the transcontinental railroads. Any burden laid on our coastwise shipping makes that competition just so much easier for the railroads. It is not a secret at all that they look with the gravest apprehension to the diversion to the sea route of a tremendous tonnage now crossing the continent by rail.

In a speech delivered at Lincoln, Nebr., in the year 1907, Mr. S. W. Hill declared the construction of the canal to be the "monumental folly of the age."

The antagonism of the interests for which Mr. Hill spoke to the building of the canal at all is by no means a figment arising out of the murky atmosphere of political controversy. In the North American Review for February, 1898, will be found a most eloquent and powerful essay, written frankly in the interest of the transcontinental railways, condemning the policy of constructing an isthmian canal at all.

The Canadian transcontinental lines will be required to meet the competition which shipping utilizing the canal will develop. The Dominion Government, as is well known, is interested in those roads to the extent of a half a billion. Even under present conditions it is confidently asserted that the building of railroads in Canadian territory has been overdone and that the lines running to the coast must face a deficit when the third now in course of construction is completed. The cause of England's solicitude about the imposition of tolls upon our coastwise shipping, though her vessels can not participate in the trade, is not obscure. There is every reason why she should make common cause with the transcontinental railroads traversing our territory to burden traffic by way of the canal.

Having reached the conclusion that the national honor is in no way involved, that we have a perfect right under the treaty to exempt our coastwise shipping from the payment of tolls, there remains the question as to whether we ought to exercise that right. The wisdom of that policy is fairly debatable, though to fail to exercise it is so obviously in the interest of the railroads, to moderate whose exactions was one of the prime reasons for building the canal at all, that one may wisely read with some distrust the arguments advanced against it.

THE DEMOCRATIC PLATFORM.

For myself, however, I do not feel at liberty to enter upon any consideration of the wisdom of the policy proposed. The Democratic platform has declared the policy of the Democratic Party on that subject. I went before the people upon it, was elected pledged to carry out its mandate whatever my individual convictions might be. I shall indulge in no reflections upon the obligation which a platform imposes upon a party candidate. I have in the most solemn manner asserted its sacred character in season and out of season—time out of mind. I have asked publicly the condemnation of our people upon those who treated it lightly.

Senators have warned their party associates of the wrath that will be visited upon the Democratic Party for a wanton violation of the platform pledges upon which it came into power. I do not dread so much the vengeance of the people against the party of which I am a humble follower as I do the distrust that will be bred by such an open repudiation of a solemn covenant touching the promises of all political parties and incidentally of representative government. Were it proposed by any man other than the President of the United States, holding the high place he does in the confidence and affections of the people, we should all recoil from it with horror. For myself its moral aspect assumes no different hue because he commends it.

My relationship to the Baltimore platform is too intimate to permit me with an easy conscience to escape the fetters it places upon my official action, even though I did not concur altogether in any particular policy it announces. It says:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

And again:

Our pledges are made to be kept when in office as well as relied upon during the campaign.

Some curiosity has been evinced concerning the circumstances attending the adoption of the plank first mentioned, and since I enjoyed special opportunity to know of them and no reason appears why publicity should not now be given to them, I may be pardoned for relating what transpired. It has been intimated, rather than charged, that its appearance in the platform was surreptitious or that it found its way therein without the particular attention of the committee. Let the narration disclose the fact. The platform committee was constituted, as usual, of one member from each State designated by the delegation. It organized by the election of the Senator from Indiana as chairman and the present historian as secretary. After listening to those who desired to be heard and indulging in some general discussion, a committee of 11 was, on motion, appointed by the chair to make a draft of a platform. The committee consisted of James P. Clarke, Arkansas; John W. Kern, Indiana; Isador Rayner, Maryland; James K. Vardaman, Mississippi; D. J. Walsh, Massachusetts; W. J. Bryan, Nebraska; J. A. O'Gorman, New York; Atlee Pomerene, Ohio; Benjamin R. Tillman, South Carolina; Charles A. Culberson, Texas; and Thomas Martin, Virginia.

It proceeded to the work assigned to it, and in a general way determined upon the propositions which were to find a place in the draft to be submitted. It agreed further on the language in which its views were to be expressed in the case of many of the planks, including the one in question. Finally, for the purpose of expedition, the work of putting into appropriate language the ideas to which general acquiescence had been given was reposed in Mr. Bryan, of Nebraska, and Mr. O'GORMAN, a delegate from New York, who were authorized to call to their aid such members of the committee as they chose. They requested Senator POMERENE and myself to remain with them. The draft prepared or assembled by this committee of the subcommittee being transcribed under my own personal supervision, was read to the subcommittee and by it reported to the entire committee before which it was again read, and, being by it approved, was presented to and adopted by the convention without change.

With some levity an inquiry was addressed at an early stage of this debate to the junior Senator from New York as to whether he did not present the plank in question to the committee. Of what consequence is it who presented it? In the construction of political platforms planks are usually tendered by members who take an interest in the subject with which they deal. The delegate from Alaska tendered a plank relating to that Territory. I offered the plank declaring the policy of the party touching the public lands and the disposition of the natural resources associated with them. The plank referring to canal tolls was, as my memory serves me, tendered by the Senator from New York and was adopted by the sub-

committee of 11 before the smaller committee assumed the task imposed upon it. There was no debate upon it, simply because it was generally approved or acquiesced in. There was no debate as to whether a declaration should be made favoring a reduction in tariff duties. Two circumstances, however, have fastened themselves upon my mind, indicating that the plank in question had the particular attention of the committee aside from such as was necessarily given it in the reading of the completed work.

When it was presented, Mr. Bryan expressed his approval, but said that it should be accompanied by another plank declaring against the admission of railroad-owned ships to the canal. And so the platform reads, after the declaration concerning tolls:

We also—

Note the "also"—

favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The draft tendered used the expression "free tolls," which had acquired a place in the literature of the subject, and which has been used frequently on this floor in the present debate. Some one suggested that the two words were contradictory of each other and the expression of doubtful propriety from a literary point of view. It was changed to read as we find it:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

SHIP SUBSIDY.

I make no criticism of the course other men may take who are convinced that the law in question violates our treaty obligations. It is their duty to vote for its repeal, or at least for a diplomatic conference to adjust any differences that may arise with any foreign government in consequence of it. If it should be determined by the Supreme Court of the United States that the act in question is in contravention of the treaty, or if I were satisfied that it is, I should feel my oath of office the superior obligation, and would unhesitatingly vote for repeal. While I remain convinced that no treaty restrains our action, I am under no temptation to escape from the trammels of the platform upon the puerile suggestion that the plank in question is contradicted by another that declares against subsidies, requiring a choice as between the two. Neither am I disposed to listen with any patience to the view that the obnoxious plank is contrary to the time-honored principle of the Democratic Party against a subsidy. I have no disposition to expose myself to the disrespect of any man who gives thought to the subject at all by advancing any such preposterous argument. Why, in that view the canal itself is a subsidy to the shipping interest. Why did we spend $400,000,000 to build it except to aid the shipping interest, hoping eventually to get the money back in reduced freight rates and increased commerce? Whether the tolls-exemption clause is repealed or not, the interest on the bonds and the expense of management, operation, defense, and upkeep will amount to more than $10,000,000 annually. So if tolls exemption be a subsidy, we are going to continue subsidizing shipping, whatever be the fate of the pending bill. If the term "subsidy" is applicable to the case at all, the question is not whether we shall subsidize carriers by water, but whether we shall subsidize the coastwise carriers more than we do the rest. We have put millions into the Sault Ste. Marie Canal, and charge nothing to any vessels for its use. If we repeal the exemption clause of the Panama act because it constitutes a ship subsidy obnoxious to the Democratic platform and time-honored Democratic principles, we must impose tolls upon the shipping passing through the Soo, giving the competing railroad lines an opportunity to raise their grain rates to the Atlantic seaboard by the amount of the exaction upon grain-carrying vessels out of Duluth. We appropriate millions annually for the improvement of rivers and harbors. We must desist because we are subsidizing the shipping interests which make use of these improvements free, as will our coastwise shipping under the act that has recently evoked so much hue and cry about subsidy.

As if these considerations did not make the proposition sufficiently ridiculous, the tariff act, in which we all take so much pride, contains a provision under which goods brought to our ports in American bottoms enter at a rate of duty 5 per cent less than those specified in the various schedules. The result to the Government is exactly the same as though the nominal rate were exacted and then a payment of 5 per cent of the amount of the duty collected made to the American shipowner. In a sense, though by no means in any exact sense, this is a subsidy—quite as near being a subsidy as is the exemption granted by the canal act to coastwise shipping. Yet the Democratic committees of both Houses conceived the idea, the Democratic caucuses of both Houses approved of it, the Democratic Members of both Houses voted for it, and the Democratic President gave it his sanction in signing the historic measure of which it is a part. Let us not invite the imputation of hypocrisy by shouting "subsidy." That kind of subsidy is as old as our Government. It has the approval of Jefferson and every Democratic administration down to Jackson's time. The First Congress, which convened in 1789, gave a preference to American ships by fixing the rate of duty on imports brought in by them at 10 per cent less than those entering in foreign vessels. A similar act was approved by the Father of Democracy in 1804.

Whether in reason there is any just distinction between a straight-out subsidy—the gift of money outright to shipping, the payment of such to American vessels out of the Treasury from the funds contributed by the people as taxes—and the omission to collect dues from some or all of them which are exacted of foreign ships or on goods brought into our ports in foreign ships, we have made a distinction in our legislation and in our policy. He flouts the testimony of history who says that the record of the Democratic Party is against subsidies of the kind first mentioned, if they be so denominated properly. Its record of opposition to the other form of aid to shipping is consistent and determined. It was against such largesses that the plank of the platform which refers to subsidies was leveled. The platform is to be read as though it were written:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine * * * but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

But—

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

And—

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

There is here no contradiction. If the word "subsidies" used in the plank first above quoted is broad enough to include aids to shipping, referred to in the two others, it is to be regarded as narrowed in its significance as there employed so as not to embrace them.

One of the grandest tasks that can engage the constructive statesmanship and the engineering talent of our day is the improvement of the navigation of our rivers in the effort to make them as serviceable as highways as are those of Germany. We are commanded by the second plank of the three above quoted to promote the inauguration of that great work; and we shall invite our domestic shipping to make use of it without price, just as we do now concerning the Panama Canal.

There may be some good reason why we should charge tolls of our coastwise shipping using that waterway; but in Heaven's name, let us *boldly* proclaim it. The subsidy talk will not fool anybody, even though we were base enough to attempt it. To my mind exemption from tolls for passage through a canal to our own ships engaged in competition with railroads in the transportation of goods from one section of the country to another, primarily to reduce the cost of carriage to our people, is easily distinguishable from an appropriation of money out of the Treasury to ships plying to and from foreign ports across seas that are open to all mankind. We do not reduce transcontinental rates by granting subsidies to the latter. The State of New York is spending $40,000,000 in enlarging the Erie Canal, the use of which has since 1882 been free to all American vessels. The exactions of the railroads, overburdened with traffic, was diverting American trade to Canadian ports. What would be thought of one who should denounce the expenditure it is making as a subsidy to the shipping interest? Would he not subject himself to suspicion of being a secret advocate of the rival railroad interests?

SHIPPING TRUST.

Of a piece with the talk about subsidy is the appeal to popular prejudice by ascribing to some mythical "shipping trust" the enjoyment of the advantages accruing from the existing act.

What is this "shipping trust" which is to send its vessels through the Panama Canal from our ports on the Atlantic to our ports on the Pacific? Who is at the head of it? By what name is it known? What is the nature of its organization? Reference is made to the report of the House Committee on Merchant Marine and Fisheries to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, the fact being that it referred entirely to line steamers and not to tramps at all. How much of that 92 per cent will go through the canal? It includes the greater part of the shipping on the Great Lakes. It includes the barges and ferries that connect the railroad termini at Jer-

sey City with New York. It includes the craft that carry railroad cars between the Virginia Capes. It includes the Southern Pacific steamers that ply between New Orleans and New York. Why particularize further? There are, according to Prof. Emory R. Johnson, who gives facts here, not opinions, now in existence steamers that are likely to make use of the canal in the coastwise trade, 24 of the American Hawaiian Line; 3 of the Grace Line; and 6 belonging to the United States, operated by the Isthmian Canal Commission or the Panama Railroad Co. That is all that will engage in the general trade. There are besides 44 tank steamers, fitted only for carrying oil; and 32 tramps. If any other ships enter into the coastwise trade through the canal, they must be built or taken out of the service in which they are now employed, presumably profitably.

Talk of a "shipping trust" in this connection may pass upon the hustings or in the rural press, but indulgence in it in this body does not add to the dignity of the discussion nor to the enlightenment it may afford.

WILL TRANSCONTINENTAL RATES BE REDUCED?

It is said, however, that in any case the concession is in the nature of a gratuity to the shipping interest, and that no reduction in freight rates is to be expected in consequence of it, because the shipowners will combine and establish rates just enough below the railroad rates to attract the business.

It is marvelous that any thoughtful man should seriously make such a monstrous assertion. Why did we build the canal at all? If we can get no more favorable rates by water than by rail we might as well, save for the value it has from a military point of view, have kept in the Treasury the $400,000,000 the canal cost us. If any such rates could be maintained, new figures, beyond anything the poets or romanticists have yet furnished us, would have to be invented to describe the wealth that awaits those who engage in the trade. The coast-to-coast rate by rail on low-grade freight like lumber is about $24. Sugar is now transported from Honolulu to New York by rail across the Isthmus of Tehuantepec at $9 a ton, including all costs of transshipment, $6 of which go to the ships. This trade will hereafter go through the canal at a rate not to exceed $7, assuming that no tolls are paid. The present all-rail rate from San Francisco to New York is $19.

The present $9 rate on sugar is not made to meet railroad competition at $19. It is established because of the necessity arising from the competition of Cuban sugar and potential competition from Europe in the New York market.

Common lumber will be carried from Seattle to Boston by the canal at from $6 to $9 a thousand not to meet railroad competition at $24 a thousand, for obviously the traffic will stand no such rate. So far as the ordinary grades are concerned, the rate found in the schedule is a "paper rate." The low figure given must prevail in order to meet competition from the forests of the South and Southeast. The rate must be less than $10 or the ships can get no cargoes.

Mr. LANE. I will say, for the Senator's information, if he will allow me, that a charter has just been made from British Columbia for a ship load at $6, with tolls paid.

Mr. WALSH. I placed the figures at from $6 to $9.

If any attempt at any such extortion as some people profess to fear were made, the power of the Interstate Commerce Commission could be extended over traffic of that character. It would not be necessary, however, as the enormous profits would soon attract to the business ships in such numbers as to render any combination impossible or ineffective. But the idea that ocean freights are or can be fixed at unreasonable figures by combination, or that there is no competition among ocean carriers, inveterate though it be, has no foundation. That the regular lines enter into agreements is indisputable, but they are always in peril of the tramps and particularly of those sailing under a charter. Witnesses on both sides of this controversy, whose familiarity with the subject compels us to accept their testimony, attest to this fact. It will not, I am sure, be regarded as invidious in me to say that among the witnesses who appeared before the Senate committee which considered the pending bill, none was better equipped to enlighten and none proved so helpful as Mr. E. H. Outerbridge, who came as a representative of the Chamber of Commerce of the City of New York to urge the repeal of the exemption clause. His vast experience as an importer and exporter entitled him to speak with confidence touching nearly every phase of the shipping business. What he says concerning it is entitled to the most respectful consideration. Let me quote:

I know of no line of business in which the competition is more terrific than it is in the transporting of freight on the water. The ocean lane is open to everybody, and it is by the efficiency of your management, and the way you treat your foreign consignees and your shippers that you hold your business together, and then by that means drive off the oppositions that are continually coming on the line.

I have two brothers who are in the steamship business in New York. They have been in it for 40 years and are still in it successfully, and there has never been a five-year period in the whole of the time that they have not had the most terrific kind of opposition, from one company after another, because those people believed they were running a profitable venture. And they have only been able to live, first of all, by the extremely fair treatment to their clientele, so that they always had their shippers and consignees more friendly to them than anybody else; and, secondly, by the extreme efficiency with which they operated and developed the business.

And again:

As a rule each tramp ship is a company herself. There are some individual firms abroad that own a large number of so-called tramp steamers that run all over indiscriminately, picking up business where they can, but the majority of tramp steamers are owned in sixty-fourth shares, and each ship is a company in herself. * * *

Senator BRISTOW. The tramp ships, then, are not in any of these combinations to maintain rates?

Mr. OUTERBRIDGE. None whatever, and they outnumber in number and tonnage all that are in any combinations many times.

Senator BRISTOW. What proportion of the commerce of the world—that is, the marine commerce—is carried by tramps and by liners; that is, the tonnage, the freight?

Mr. OUTERBRIDGE. I could only hazard a guess; but I should hazard a guess that certainly 85 per cent of the tonnage of the world is carried in tramps and 15 per cent in liners, so called.

Senator BRISTOW. You say the competition between these vessels is very severe; that they contend for business against each other—these tramp ships?

Mr. OUTERBRIDGE. Most extraordinarily so. If you could get a few of our ship brokers down here, they could give you a great deal of information on that score. I do not know any other business that there is more run after and a keener solicitation for business than in the freight business except, perhaps, the advertising business.

Senator WALSH. Is wheat and flour carried abroad in tramp ships generally, or line steamers?

Mr. OUTERBRIDGE. Tramp ships almost altogether. Formerly liners carried some for ballast. They used to present the owner with a chromo if he carried wheat for ballast. That day has passed and grain is carried almost exclusively in tramp ships.

The economic phase of the inquiry as viewed by the Pacific coast interests was ably presented by W. R. Wheeler, of San Francisco, and Joseph N. Teal, of Portland, who urged the preservation of the existing law. They have the same story to tell of competition among water carriers. I quote briefly from the testimony of Mr. Teal:

Senator WALSH. What proportion of the traffic out of your port goes in the line steamers and what in the tramp steamers?

Mr. TEAL. All the lumber. We are the largest lumber-shipping port in the United States, and all the lumber goes out in tramps. On the domestic tonnage, south and north bound, the rates are very low. I should think the most of it of every kind goes in tramps, unless it might be the actual merchandise shipped between San Francisco and Portland.

Senator WALSH. To what extent is there competition among the tramps?

Mr. TEAL. There is necessarily continuous competition among the tramps.

Senator WALSH. Do they not unite in conferences?

Mr. TEAL. They do try to, but they simply can not. There are too many of them. * * * To give an idea of how those water rates vary on the tramps, in 1912 there was grain shipped to Japan on tramp steamers on the basis of $1.50 a ton. That was on English tramps that wanted to go over there and wanted to have something to get there with.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WALSH. I do.

Mr. HUGHES. I simply ask for information. I notice that this testimony refers to tramp ships. Do I understand that tramp ships engage in the coastwise trade?

Mr. WALSH. Why, unquestionably. That is what Mr. Teal tells you. There is an enormous lumber business between Portland and Los Angeles and San Diego, for instance, and all of that lumber is carried in tramp ships.

With competition between the carriers by water, such as the testimony of witnesses on both sides of the controversy which now agitates the Senate discloses to exist, the advantage of the exemption given by the act will very largely accrue to the consumer and the producer within our own country in reduced freight rates. If competition does not force a reduction to the point at which no more than a reasonable profit will be returned to the ships using the canal in the coastwise trade, the Interstate Commerce Commission can, under appropriate legislation, force the reduction.

Disguise it as you may, every dollar paid by vessels transporting freight through the canal from one of our ports to another is a tax upon the people of the country, since they are required to make it up to the vessel owner in the increased freights he is obliged to exact in consequence. The Democratic Party has taught the people of this country that the tariff is a tax—a tax ultimately paid by the consumer. The tolls paid to the Government officer at the canal is no less a tax than the duties paid to the customs officer at the port. Two vessels enter the port of San Francisco carrying cargoes consisting of steel and the manufactures thereof, the one sailing from Liverpool, the other from Philadelphia. The former pays tolls

and it pays duties upon its cargo; the latter pays tolls only. In both instances the tolls are paid in the last analysis by the consumer. The tolls are a tax. I am for lifting that tax.

Mr. President, there is a phase of this question on its economic side so magnificently large, opening up so inviting a field for the exercise of such statesmanship as this body can command, that I can not refrain from alluding to it in brief in this connection.

It is estimated that 2,000,000 tons of freight now transported from coast to coast by rail will be diverted to the all-water route by the canal, at a saving of about $10 per ton. This means that $20,000,000 annually will be left with the people on the coasts and those near enough to them to experience the immediate effects of the change, which amount will be available for investment in enterprises that will produce still more tonnage. The loss of this revenue is a matter of the most serious concern to the transcontinental railroads and not without its importance upon their future. I am not apprehensive, however, that there will not be full compensation in increased business eventually growing out of the saving effected.

But let me ask you to reflect for a moment upon the vast traffic that will arise that now has no existence at all—that will be handled through the canal without any loss whatever to the railroads. About 70 per cent of the lumber cut on the coast is of such low grade that it can not stand shipment by rail to the eastern markets. Such of it as can not be disposed of locally is allowed to rot in the yards in which it is stacked. A 5,000-ton ship will pay $6,000 tolls one way through the canal. The lumber mills of the coast would be delighted to provide the consumers in the East with lumber at such a price as would return $6,000 per shipload. It is doubtful whether that character of commodity can move at all if tolls are exacted. In any case it will move inland from Atlantic ports just so much farther if no tolls are paid than it will if tolls are paid as the amount of the tolls represents in railroad mileage. Whatever does move is so much more added to the world's wealth. That which to-day was valueless to-morrow becomes a source of national riches. It is estimated that 1,000,000,000 feet of that lumber can annually find its way into the eastern markets. California oils may be made available in the manufacturing centers as a source of power in competition with coal. It must move, if it moves at all, on a margin of profit not to exceed ordinarily the amount of the tolls. Under favorable conditions 25,000,000 barrels annually will come east. The natural deposits of borax, soda, potash, and other like nonmetallic minerals of California and adjacent States will crowd out of the Atlantic seaboard markets the manufactured article largely imported from Europe. California asphalt will come into competition with the products of Trinidad. All these varieties of low-grade freight must be sold, if sold at all, upon the very slightest margin above actual cost.

The industries in which they are produced will come into existence or thrive very largely as we shall determine the question which the present bill presents to us for solution. The tonnage they will furnish is demonstrably enormous.

Some years ago a distinguished scientist associated with Harvard University launched in my State a project to extract by the dredging process the placer gold in vast beds of auriferous gravel, the rich cores of which had been mined in the pioneer days. The remainder of the ground had been abandoned as worthless. A dredge was built and operated by steam power, coal being used for fuel, but the expenses of operation were so great that the enterprise was about to die when the development of a hydroelectric plant a distance of about 30 miles away afforded an opportunity to obtain a cheaper power. Five giant dredges are now eating their way through the deposit, which gives up millions every year, the difference in the cost of power making the industry possible and the ground productive where before it was barren.

It has been sagely said that the man merits the honor of his country who makes two blades of grass grow where one grew before. If by omitting to tax we can make the earth yield in abundance where before it was fruitless, we shall have earned the approbation of our consciences and the plaudits of our countrymen. The opportunity comes to us rarely. It is here now.

Do not deceive yourselves, my associates on this side of the Chamber, who purpose voting for this bill. There is no ground upon which you can justify your action to an American constituency or to yourselves except that the act you wipe away is a violation of our treaty obligations.

The American people are jealous of the national honor, scrupulous in yielding to every demand to which they have been bound, either by treaty or the laws of nations, but quick to resent the assertion of right against their country by any foreign power for which neither affords sufficient justification.

If there were in the present situation any apparent peril of a foreign war or any profound disturbance in our foreign relations distinctly traceable to the act in question, I might find some excuse for departing from the course to which the line of thought I have pursued points. That some friction has arisen in consequence of the controversy, I entertain no doubt. That the view obtains generally in Europe that we are wrong in our interpretation of the treaty may be true. It would be strange if it were otherwise, when the President of our country says we are. I can not escape the conviction that had he boldly asserted what both of his predecessors proclaimed a very much more general acceptance of that doctrine would obtain. But it is idle to think that England will go to war with us about such a matter, and no one else has any treaty with us nor any right to complain. Indeed, it is not advanced in any quarter that Great Britain thinks of our action in this matter as affording any justification for war. She needs our good will, just as we are glad to have hers. It is unfortunate that we are ourselves divided in opinion upon the interpretation that should be given to the treaty. If the substitute offered by me is adopted, the true meaning will be determined by the Supreme Court of the United States. That ought to satisfy all mankind. In view of the divergence of opinion here—all parties dividing on it—a perfectly impartial judgment would be assured. But if it did not resolve the doubts of the other nations, it would at least solidify opinion at home. If the President's view should be sustained, all our citizens would acquiesce. The act would be promptly repealed. Indeed, the decision would terminate it. If the opposite conclusion should be reached, as I entertain no doubt it will be, the question would be still before us, but solely upon the economic aspects which it presents. What Democrat would then venture to vote upon it in contravention of the platform of his party?

LAWS OF PORTO RICO (H. DOC. NO. 979).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the regular session, beginning January 12 and ending March 12, 1914, and the extraordinary session, beginning March 14 and ending March 28, 1914.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

CONGRESS OF MUSICAL SCIENCE AND HISTORY (H. DOC. NO. 978).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "thereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith for the consideration of the Congress, and for its determination whether it will authorize the acceptance of the invitation, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of the French Republic to that of the United States to send delegates to an International Congress of Musical Science and History, to be held at Paris in June next, and a letter from the Librarian of Congress, showing the favor with which he views the proposed gathering.

It will be observed that the acceptance of this invitation involves no appropriation of public moneys.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

UNVEILING OF STATUE OF COMMODORE BARRY.

Mr. KERN. Mr. President, out of respect to the memory of the great Revolutionary patriot, Commodore John Barry, and to enable Senators to attend the exercises this afternoon attendant upon the unveiling of the monument to his memory, I move that the Senate adjourn until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, May 18, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 16, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, eternal God our heavenly Father, that our Republic is not unmindful of the men who rendered valiant and patriotic service in the cause of freedom; that to-day a monument will be unveiled in this city to the memory of Commodore John Barry, whose courage, bravery, and fortitude gave strength to the holy cause. May it ever stand an inspiration to the defenders of popular government in peace or in war, and everlasting praise be Thine. In His name. Amen.

The Journal of the proceedings of yesterday was read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I see that the Journal is so journalized as to show that the House stands adjourned at the close of the consideration of the Diplomatic and Consular appropriation bill and not later than half past 2 o'clock. While it is true that the Speaker stated the question that way, I question whether that was a part of the request. I think it was only an announcement. The House might want to do some informal business after the consideration of the bill was closed.

The SPEAKER. The Chair thinks that is correct. It is surplusage, and the Journal will be corrected.

The Journal was approved.

Mr. MANN. Now, Mr. Speaker, I see that the gentleman from Missouri is not here. I suppose he intended to proceed with House resolution 256.

Mr. UNDERWOOD. Mr. Speaker, I understood that this morning the gentleman from Virginia [Mr. FLOOD] desired to go on with the Consular and Diplomatic bill.

Mr. MANN. Instead of taking up House resolution 256?

Mr. UNDERWOOD. Yes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. TOWNSEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair.

The CHAIRMAN. The Clerk will report the amendment that was pending when the committee rose on yesterday.

The Clerk read as follows:

Page 14, strike out lines 4 to 14, both inclusive, and insert in lieu thereof the following:

"Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of said governing board: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915."

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I see by a Washington paper this morning that the Director General of the Pan American Union has condescended to make an application to become a member of the Chamber of Commerce of the District of Columbia in order that he may be better able to present the importance of the case of the Pan American Union, and I was rather wondering whether the application for membership and the payment of six months' dues was to be at the expense of the fund which is now in process of being appropriated. Perhaps the chairman of the Committee on Foreign Relations may be able to tell us something about it.

Mr. FLOOD of Virginia. The gentleman from Illinois hardly asks that question seriously.

Mr. MADDEN. I supposed that everything we did here was serious.

Mr. FLOOD of Virginia. I hardly think the gentleman is serious; but I will say that the Director General of the Pan American Union pays his own dues if it is proper for him to do so. The appropriations for the Pan American Union are made by the different Governments of Pan America and are based on population. We have 90,000,000 of population and pay $75,000 a year; the other countries have about 60,000,000 of population and pay $50,000 a year. These appropriations are spent upon the orders of the governing board, and the gentleman need not fear that any of it will be improperly spent.

Mr. MADDEN. I was rather impressed with the language of the letter that he wrote to the president of the association, with the idea that his membership or application for membership was a condescension to the association of commerce here, for the furtherance of the Pan American Union; and inasmuch as it was a part of the business of the director to advertise, not only himself as director general but the Pan American Union, it might be thought proper as a part of the expenditure for the Pan American Union.

Mr. FLOOD of Virginia. The gentleman is mistaken if he thinks that the director general is advertising himself. The director general is a distinguished citizen. He has been a minister to Argentina, minister to Siam and a number of other countries, and for a great many years has been at the head of the Pan American Union, and he hardly needs advertising. The gentleman from Illinois has been facetious at the expense of the Director General of the Pan American Union, but I can assure him that my friend the director is so well known in this and other countries that he needs no advertisement, and need entertain no fear along the line suggested this morning.

Mr. MADDEN. Do I understand that there is no need of any fear being exercised on the part of the membership of this House that the gentleman who is Director General of the Pan American Union will not advertise himself or that he needs no advertising?

Mr. FLOOD of Virginia. I think if the gentleman from Illinois was as distinguished a man as the director general, that would be advertisement enough for him, as it is for the director general. His deeds and performances and his accomplishments have advertised him.

Mr. MADDEN. I think that if any person could buy the director general at the value he places on himself and sell him at the real value, there would be a great loss on the part of the purchaser.

Mr. FLOOD of Virginia. While the gentleman from Illinois may not entertain as high an opinion of the director general as he does of himself, there are a great many other people in this country who put a much higher estimate on this gentleman's attainments and abilities than he himself has ever dreamed of.

Mr. MADDEN. I do not think the gentleman from Virginia has any justification for saying that I place a high value on or have a high opinion of myself.

Mr. FLOOD of Virginia. I did not say that; the gentleman misunderstood me. I said that the gentleman might not entertain as high an opinion of the director general as he does of himself, but there are a great many people who do entertain a much higher opinion of him than he does of himself.

Mr. MADDEN. I am glad to know that, and I am sorry to know that so many people of the United States are in the habit of accepting a man's estimate of himself when that estimate is far above what it ought to be.

Mr. FLOOD of Virginia. That remark could not possibly apply to the Director General of the Pan American Union. I will also add that the work of that union has been very valuable. I believe that if any Member of Congress who may be in the slightest degree skeptical about the scope, usefulness, and extent of the work being done here for the benefit of commerce, friendship, and good understanding among the American nations would find time to spend 10 or 15 minutes in the Pan American Building and inspect its work he would be convinced beyond question that it is worthy not only of his vote for its maintenance but of his close personal interest. The correspondence with every variety of persons in all parts of the world amounts to hundreds of letters a day; the Pan American Union is constantly issuing publications, pamphlets, and reports for which there is a greater demand than it can supply; the building contains a most practical library, great collections of maps of all the American countries, the newspapers and magazines of these lands, and between 500 and 1,000 persons visit it every day.

Finally, there can be no better evidence of the practical usefulness of the Pan American Union than the fact that during the last year over 80 per cent of the total membership of the Senate and House of Representatives repeatedly applied to the Pan American Union for information or for bulletins, documents, and reports to send to their constituents.

Mr. WINGO. Mr. Chairman, I do not desire to take up any time of the committee, but I ask unanimous consent to extend my remarks in the RECORD by printing a copy of an editorial that recently appeared in the News, a newspaper published at Lynchburg, Va.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MANN. Mr. Chairman, I reserve the right to object.

Mr. FLOOD of Virginia. Mr. Chairman, reserving the right to object, what is the article about?

Mr. WINGO. It is about money and credits.

Mr. FLOOD of Virginia. The paper referred to is owned by one of my colleagues.

Mr. WINGO. That was one reason I thought it ought to go into the RECORD. I think it is a very able article and very pertinent, and I think it ought to be preserved.

Mr. MANN. Who is the editor of the paper?

Mr. WINGO. I do not know who the editor is. The owner is the distinguished gentleman from Virginia, Mr. GLASS.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the calendar year 1913 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Seattle Post-Intelligencer, entitled "My mother—a prayer." The article is by Tom Dillon, one of the most talented and popular writers on the Pacific coast. It is a beautiful tribute that will find a fervent response in the heart of every real man, and it is well worthy a place in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The Clerk read as follows:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1915, $8,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Here are three items for this International Institute of Agriculture that aggregate $16,600. The item under consideration carries an increase of $3,200 over that appropriated last year. I wish to inquire of the chairman of the committee or any other member of the committee what purpose is served by this International Institute of Agriculture? As I recall, it had its genesis some six or seven years ago in this House on the statement of the then chairman of the Committee on Foreign Affairs. I believe some altruistic-minded gentleman from California took up his abode in Rome and began to form some kind of an international institute. Wishing to give it some degree of prominence, he entitled it the International Institute of Agriculture. The appropriation has been carried from year to year, and now we have an increase amounting to almost double the amount that we appropriated last year. Will the chairman kindly favor us with some information, because the hearings are rather vapid, as far as this item is concerned? What is the real purpose of the appropriation?

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman is mistaken in assuming that Mr. Lubin started this institute himself. It was first inaugurated by a chairman of the Committee on Foreign Affairs. It is the result of a treaty of June 7, 1905. No provision has been made for the termination of that treaty, and this gentleman from California has always been the member of the institute ever since the institute was established.

Mr. STAFFORD. Is that Mr. Lubin who is the member for whom we provide a salary of $3,600 in the following paragraph?

Mr. FLOOD of Virginia. Yes; Mr. David Lubin. This institute is considered of great importance by the Agricultural Department and the State Department in studying questions and distributing information relative to agriculture and agricultural methods the world over. It has been recommended by both departments, and the increase is due to the fact that when the institute was first established there was a minimum and a maximum amount that each nation should be called on to contribute. The minimum amount was first asked for, and under that we contributed $3,200 less than we do now. The institute has now gotten together and has called on all of the contributing nations for the maximum amount, and that makes the difference. Instead of $4,800 the amount now is $8,000.

Mr. STAFFORD. Can the gentleman inform the House as to the aggregate amount required to maintain this great institute?

Mr. COX. Does the gentleman mean from this country alone?

Mr. STAFFORD. No; from all of the contributing countries.

Mr. FLOOD of Virginia. I think about 20 nations are contributing members, and they contribute in proportion to their population. We are one of the largest contributors. I suppose it must take one hundred or more thousand dollars—$200,000 or $300,000 from all of the nations. A great deal of it has been expended in distributing agricultural information collected at this institute.

Mr. STAFFORD. Mr. Chairman, I notice in the third item that we provide $5,000 for translating and printing into English some of these publications. Does Great Britain contribute anything for a like service?

Mr. FLOOD of Virginia. That is only for the distribution of the literature that is to come to this country. England pays for what goes to her country. The translations that we pay for are to be distributed here.

Mr. STAFFORD. I suppose the articles that are distributed in England and in this country are virtually the same?

Mr. FLOOD of Virginia. Oh, no. We pay for our own translations, and we use them, and it is up to England as to whether she will have a distribution made.

Mr. STAFFORD. Through whom are these publications distributed?

Mr. FLOOD of Virginia. They are distributed through the Agricultural Department of this country, the different States, the national granges, and agricultural organizations of different character.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last two words. I think what the committee would like more than anything else in respect to this matter would be to have the gentleman from Virginia explain, if he can, the good that we get out of this international agricultural conference or commission or whatever it is. My attention has been directed to it for a long time, and I have never been able to find any good coming to the farmers of this country in the maintenance of this institute. If the gentleman has any information that he can give the committee that would show that we are getting anything for the money that we are spending, I would like to have him do it. I understand, of course, that we are subscribers, and that we have either to withdraw or appropriate this money, but it is my opinion that it will be in the interest of economy to withdraw entirely from participation in this institute, and if he knows any reason why we should continue this participation I wish he would tell us.

Mr. FLOOD of Virginia. Mr. Chairman, there is a difference of opinion among intelligent gentlemen as to whether we get any benefit from this institute. For years the question has been raised on the floor of this House, some contending that we get no benefit and others that we get a great benefit. The Department of Agriculture thinks it is a very beneficial appropriation. There are people in the country who question whether the Department of Agriculture is of very much benefit to the agricultural interests of the country. I take issue with them. I think the Department of Agriculture has done a great work, and I agree with the department in reference to this institute and that it is a beneficial thing to scatter throughout the country agricultural information gathered from all the nations of the earth. So, if there is any progressive movement in any nation with reference to agriculture, we may get the benefit of the ideas of that movement, through the publications that are sent to our Agricultural Department and the agricultural departments of the States, and to the National Grangers, farmers' unions, and such organizations. The only advantage we can get is educational, and the Agriculture Department here and the State departments and others connected with matters pertaining to agriculturists believe it is of benefit in this way.

Mr. HAMLIN. I asked for information. I, as other Members, of course, receive every so often certain bulletins issued by this institute. I have given some attention to these bulletins and I confess I can not see where the farmers of the country, the agriculturists of the country, get any benefit from them. They do give some little information as to estimates of different crops in different countries throughout the world, but so far as giving the farmers of the country any real benefit I confess I can not see where they get it. Unlike our department here, and I agree with the gentleman from Virginia that there is no department of the Government that is of greater benefit to all the people than the Agricultural Department, at least that is my idea of it; our Agricultural Department gives out information that goes out through the country that teaches our farmers things that they ought to know in the way of cultivating the soil, marketing crops, and so forth. You do not get any of that information through the bulletins issued by this international

institute, but all I have seen have simply been an estimate each year, or every so often each year, as to the probable yield of different cereals in the different countries of the world.

Mr. FLOOD of Virginia. Well, the gentleman has not studied these bulletins closely, then, because the purpose of these bulletins is to give information of agricultural conditions, including agricultural progress and agricultural methods, and some of them give statistics——

Mr. HAMLIN. Yes; I have noticed that, and I confess something may have escaped my notice, but all the statistics I have seen——

Mr. FLOOD of Virginia. As to how useful this institute is is a matter of opinion. You can have an opinion on that, and the committee thought it would be wiser to take the opinion of the Agricultural Department and the State departments and all other agricultural interests in the country and continue this small appropriation, hoping it would result in benefit to the agricultural interests of the country.

Mr. HAMLIN. The distinguished chairman of the Committee on Foreign Affairs will understand I am not in any manner criticizing that committee, either the chairman or his committee. I understand that they have to continue this appropriation unless Congress withdraws our participation, but I believe the Congress *ought to* withdraw and cease appropriating for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

INTERNATIONAL RAILWAY CONGRESS.

To pay the quota of the United States as an adhering member of the International Railway Congress for the year 1915, $400.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what the purpose of this international congress is?

Mr. FLOOD of Virginia. That is the railway congress?

Mr. MADDEN. Yes.

Mr. FLOOD of Virginia. It is to collect public data regarding railway safety appliances and matters of that kind. There are 35 nations besides the United States which are members of it. The first appropriation we made was in 1905; we entered into an agreement to appropriate until 1914, and under our agreement this is the last appropriation we will be called upon to make.

Mr. MADDEN. Does the gentleman think this is worth while?

Mr. FLOOD of Virginia. This is another one of those matters that is not of very vast importance and its usefulness is merely a matter of opinion. Our State Department entered into this agreement and it is closed with this appropriation.

Mr. COX. Where does this congress meet?

Mr. FLOOD of Virginia. It meets in Brussels.

Mr. COX. Does it meet every year or has it met every year since it was organized?

Mr. FLOOD of Virginia. I think so.

Mr. COX. I understood the gentleman to say this is the last year for which the United States makes an appropriation?

Mr. FLOOD of Virginia. Yes.

Mr. COX. I think it is a good thing.

Mr. MANN. I understood the gentleman to say the last year we are required to make an appropriation was for 1914.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. This is for 1915.

Mr. FLOOD of Virginia. I meant 1914–15. The congress meets after the 1st of July of this year.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5504. An act to authorize the Secretary of Commerce to provide additional inspection of the fisheries of Alaska, and authorizing the purchase or construction of vessels and boats to be used in connection therewith; and

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914.

The message also announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On May 8, 1914:

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

On May 9, 1914:

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists;

S. 1808. An act for the relief of Joseph L. Donovan;

S. 1922. An act for the relief of Margaret McQuade;

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy; and

S. 5445. An act for the relief of Gordon W. Nelson.

On May 12, 1914:

S. 5031. An act quieting the title to lot 44 in square 172 in the city of Washington.

On May 13, 1914:

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge of the United States court for China, $8,000; district attorney of the United States court for China, $4,000; marshal of the United States court for China, $3,000; clerk of the United States court for China, $3,000; stenographer of the United States court for China, $1,800; for court expenses, including reference law books, $9,000; total, $28,800.

Mr. CRAMTON. Mr. Chairman, I move to amend, in line 8, after the figures "28,800," by inserting the following:

Hereafter the judge receiving a salary hereunder shall be paid monthly by the disbursing officer of the Department of State, and to him all certificates of nonabsence or of the cause of absence of such judge shall be sent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, by adding after the figures "28,800," in line 8, the following: "Hereafter the judge receiving a salary hereunder shall be paid monthly by the disbursing officer of the Department of State, and to him all certificates of nonabsence or of the cause of absence of such judge shall be sent."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CRAMTON. Mr. Chairman, I would like to say I do not know whether it is subject to a point of order or not. If it is——

Mr. MANN. There is no doubt about it being subject to a point of order.

Mr. CRAMTON. I am in doubt whether the point of order should be sustained or not.

Mr. MANN. Well, if the gentleman wants to argue the point of order, we will dispose of that very quickly. Give us the reasons for the change.

Mr. CRAMTON. If I can discuss the whole proposition together——

The CHAIRMAN. The Chair prefers to hear the gentleman on the point of order.

Mr. MANN. I will reserve the point; there is no question about the point of order.

Mr. CRAMTON. Mr. Chairman, I think there may be a question unless I change the form of it a little. As a matter of fact, this entire court over there does not belong, as I understand it, under the State Department, and appropriation for it should not be carried in this bill. When the court was created there was nothing said about putting it under the jurisdiction of the Department of State, but that department has gradually taken charge of it, and now an appropriation is carried in this bill. There is a statute carrying the same provision as I have suggested there, in section 13 of the Dockery Act, which makes that provision which I have suggested apply to all judges of Federal courts except consular courts; and if I had offered the amendment, simply repeating the language of the Dockery Act, which already does apply to this court, I can not understand how it would be subject to a point of order.

The CHAIRMAN. Will the gentleman indulge the Chair for a question? Does the gentleman contend this is not a consular court?

Mr. CRAMTON. Yes, sir; I contend it is not. It is a court constituted just the same as any other Federal court and made to succeed the consular courts, which we found to be undesirable. But I am not particular about discussing the point of order, except that I want to make that explanation. I did not follow the language of the statute which, I believe, controls the court already, but which has been treated as a nullity and disregarded. I changed it to this extent, namely, to make those reports go to the Department of State, which has now assumed jurisdiction over that court, instead of having them go to the

Department of Justice, as other courts are required to report. I do that because inasmuch as that department is taking jurisdiction the reports necessarily should go there, and inasmuch as I have made that change, of course the point of order, I suppose, would be good if the gentleman desires to press it.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. CRAMTON. If he will withhold the point of order——

Mr. MANN. I reserved the point of order.

Mr. CRAMTON. Now, I want to put into the RECORD provisions of section 13 of the Dockery Act, as follows:

Before transmission to the Department of the Treasury the accounts of district attorneys, assistant attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision.

Judges receiving salaries from the Treasury of the United States shall be paid monthly by the disbursing officer of the Department of Justice, and to him all certificates of nonabsence or of the cause of absence of judges in the Territories shall be sent.

Now, that is a good provision as applied to all the other courts of the United States. But here is a court located by itself, thousands of miles away, and it is also desirable it should apply to that court. They have not applied it, although it seems to me they should, and the need of it is shown by the fact that in the case of a recent judge of this particular court there is evidence to show that he was absent without the knowledge or direction of any of his superiors, so to speak, for a period altogether of 16 months in the time of 3 years. He is drawing a salary of $8,000 a year, which in that country is practically equal to $20,000 or $25,000 a year, and still he is absent from his post for a period of 16 months out of 3 years. And I submit that there ought to be a provision by which that man will be obliged, when he is absent and leaves his jurisdiction, going over to Japan to some summer resort or health resort for such a long period, that at least somebody ought to know that he has been away and why he was away. I hope the gentleman will not insist on his point of order.

Mr. MANN. Mr. Chairman, this is an extraterritorial court, with jurisdiction over certain causes affecting American citizens in China. The court is located in China—outside of the United States.

Mr. McKENZIE. Will my colleague yield?

Mr. MANN. Certainly.

Mr. McKENZIE. Will he kindly, while he is on his feet, state the reasons or justifications for the establishment in China of this particular court, different from that in other countries, for the information of the committee?

Mr. MANN. We do not have courts in any other countries. But when this court was established it was established in conformity with the treaty with China under which the United States was permitted to establish a court which would have jurisdiction over causes in which American citizens were parties. That was a concession given by China to the United States, I suppose, not wholly involuntarily, and I think the same concession exists in various other countries.

Now, that is a matter that relates to our foreign affairs. It belongs to the Department of State. When this law was passed, following a treaty arrangement, it did not specifically provide that this court should be under the jurisdiction of the Department of State. But I think everybody understood that it would be, and the Department of Justice declined to take any jurisdiction over the court, holding that it was not a United States court in the ordinary sense of the word or coming within the jurisdiction of the Department of Justice, and that department declined to entertain any jurisdiction concerning the court or the payment of fees or salaries or other disbursements. In my judgment, that is where they belong. Now, my friend from Michigan [Mr. CRAMTON] desires to practically transfer that jurisdiction from the Department of State to the Department of Justice.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRAMTON. I have not expressed that desire in the pending amendment, even if I do have that desire.

Mr. MANN. The gentleman says he has not expressed the desire in the pending amendment, but I think he has.

Mr. CRAMTON. But my amendment provides for their reporting to the Department of State.

Mr. MANN. Your amendment provides for a report to the Auditor for the Department of State, I think, does it not?

Mr. CRAMTON. Yes.

Mr. MANN. That is in the Treasury Department. But that means that the accounts will go through the Department of Justice. That is where the accounts of the Department of Justice go—to the Auditor for the State and Other Departments.

Mr. GARDNER. Oh, no.

Mr. MANN. Where do they go?

Mr. GARDNER. They go direct to the Auditor for the State and Other Departments—not to the Department of Justice.

Mr. CRAMTON. There is such a man here—the man I have provided these reports should go to.

Mr. MANN. There is a man who audits the Department of Justice accounts, but he is Auditor for the Department of State.

Mr. CRAMTON. Certainly.

Mr. MANN. That is what I said. Both gentlemen were wrong about it. The Auditor for the State and Other Departments is the man who audits these accounts, and the purpose of this amendment is practically to declare that this foreign court is under the jurisdiction of the Department of Justice. I have no doubt that he now receives his pay monthly, although I do not know about that.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRAMTON. Under the Dockery Act, it is required that other judges make this return to the Auditor for the Department of Justice. In my amendment I have provided simply that they shall make a report as to their absence to the Auditor for the Department of State. Now, how does that transfer jurisdiction from the State Department to the Department of Justice?

Mr. MANN. The Auditor for the Department of Justice is the Auditor for the State and Other Departments. And that is the purpose of the amendment, to transfer the jurisdiction which, under the treaty and under the law, now rests in the Department of State, to the Department of Justice, which does not even desire the jurisdiction.

Even if the gentleman had offered his amendment in the exact language of the existing law, making it come under this paragraph so that it would apply to this paragraph, it would still be subject to a point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries, their actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1915, is hereby appropriated.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. CRAMTON. Mr. Chairman, I desire to reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] reserves a point of order on the paragraph.

Mr. CRAMTON. On the word "actual," in line 12.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A point of order has been reserved.

Mr. GARDNER. Well, I agree with the point of order made by the gentleman from Illinois [Mr. MANN] that it is new legislation on an appropriation bill, but the gentleman from Illinois is entirely mistaken in saying that the amendment of the gentleman from Michigan [Mr. CRAMTON] can not in any way transfer the jurisdiction over the Chinese court away from the State Department to the Department of Justice. If it would transfer it anywhere, it would be to transfer it to the Treasury Department. But it would not be transferring it anywhere where it is not now.

The fact is that the auditing work in the Treasury Department is divided up among a number of different auditors. For instance, there is an Auditor for the War Department and there is an Auditor, I rather think, for the Navy Department, but I am not sure; and then there is a general auditor, under which various departments are lumped, known as the "Auditor for the State and Other Departments," and under that particular auditor comes the Department of Justice.

Now, so far as concerns the transferring by that amendment to the Department of Justice, if anything, it would indicate more strongly that it was to continue under the Department of Justice.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MANN. I will ask my colleague if he has read the hearings in the Committee on Expenditures in the Department of

Justice relating to this matter during the last summer, I think it was?

Mr. GARDNER. No, sir.

Mr. MANN. Then the gentleman has missed a good deal of information on this subject.

Mr. GARDNER. I will tell the gentleman what I was trying to do during the past summer. It was to be elected governor of Massachusetts. [Laughter.]

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. A point of order is pending.

Mr. STAFFORD. I understand the gentleman only reserved a point of order, and the gentleman from Massachusetts [Mr. GARDNER] only moved to strike out the last word. I ask recognition in opposition to the amendment of the gentleman from Massachusetts [Mr. GARDNER].

Mr. CRAMTON. Mr. Chairman, I will state, if the chairman of the committee is agreeable to an amendment to make that section correspond with the statute on which it is based, I will not insist on the point of order. In the statute the language used is "necessary expenses." For some reason or through some oversight that word "necessary" is changed to "actual." Now, being somewhat familiar with the hearings referred to by the gentleman from Illinois [Mr. MANN], I have been strongly impressed with the necessity at least of using a word as strong as "necessary." As a matter of fact that does not seem to hold down the Department of State. They have, as the hearings clearly show, audited and paid accounts of a recent judge who, on one of his expeditions from Shanghai to Canton, I believe, to hold court went and spent perhaps 10 days in the city of Hongkong.

The CHAIRMAN. Will the gentleman indulge the Chair for a question?

Mr. CRAMTON. Yes, sir.

The CHAIRMAN. In what respect does the proposed language in this paragraph differ from the language in the existing appropriation act passed at the last session?

Mr. CRAMTON. I have not compared it with that. I have compared it, however, with the statute creating this court, which, I assume, is the statute on which we must depend. The statute creating the court uses the word "necessary."

Mr. FLOOD of Virginia. Mr. Chairman, may I interrupt the gentleman?

Mr. CRAMTON. Certainly.

Mr. FLOOD of Virginia. When was this 10 days' stay in Yokohama?

Mr. CRAMTON. Ten days occupied in travel and staying there. It was Hongkong.

Mr. FLOOD of Virginia. When was that?

Mr. CRAMTON. It was during the incumbency of the recent judge of that court. Apparently the time has gone by to take any action as to that trip. The accounts have already been audited, but it impressed me with the fact that instead of paying all the expenses that the judge might actually make we should at least confine him to his necessary expenses.

Mr. FLOOD of Virginia. Mr. Chairman, the amendment suggested by the gentleman is perfectly agreeable to me.

Mr. CRAMTON. Then, Mr. Chairman, I withdraw the point of order, and move to amend that section by striking out the word "actual" and inserting in lieu thereof the word "necessary."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The Clerk read as follows:

Amend, page 16, line 12, by striking out the word "actual" and inserting in lieu thereof the word "necessary."

Mr. BRYAN. Mr. Chairman, I have no objection to the amendment. I think there should be some care exercised as to expenses of these courts, and I suppose that is a help and safeguard, and I am in favor of the amendment.

But this matter of the probate court in China has attracted a great deal of attention in certain quarters. I am a member of the Committee on Expenditures in the State Department. Before that committee there appeared a Mr. Cunningham, who is now at the Dewey Hotel here, and he made charges against the probate procedure and the way the State Department handled a probate case in which he was concerned, involving something like $100,000 of property belonging to his deceased brother, and the charges that he made were of so severe and incriminating a nature that they would make a highway robber blush.

Mr. MADDEN. Was there anything heard on the other side of the case?

Mr. BRYAN. I will tell you. This gentleman tried in every way in the world to get some sort of an investigation of that matter, and he is now going from one place to another trying to get some investigation made of the matter, and to enable the State Department and those who are responsible to clear themselves or to establish the truth of his charges; and yet he is absolutely unable to accomplish any results whatever.

Mr. FLOOD of Virginia. The gentleman does not charge any official connected with the State Department now?

Mr. BRYAN. It was before the present administration came in, before the beginning of the present administration, that these matters occurred. It was a judicial matter, a matter of probate over there in China by the Consular Service, and I do not suppose the Secretary of State had anything in particular to do with it. But there was a loose administration in this court, and I believe there is merit to the charges that this old gentleman makes.

Mr. FLOOD of Virginia. Mr. Chairman, I saw the charges that the gentleman refers to. Would the gentleman undertake to have them investigated?

Mr. BRYAN. I favored the taking up of the matter by the Committee on the Expenditures in the State Department, but the other members of the committee stated that they were without jurisdiction. The chairman of the committee concluded, all things taken together, that we were without jurisdiction. We submitted the proposition to some solicitor down here, and upon having the opinion of that counsel in the State Department it was thought we had no jurisdiction of the matter.

But every member of the committee believed that the charges were of such a nature, and that there was so much probable cause attached to the whole case, that somebody ought to investigate it and some kind of relief ought to be administered.

Mr. CRAMTON. Does not the gentleman understand that there is a very grave question as to whether the consular authorities there have the right to exercise the probate jurisdiction which they are exercising?

Mr. BRYAN. That was one of the questions involved.

Mr. CRAMTON. And has not the gentleman to whom you refer been able to get any positive decision from either the Department of Justice or the Department of State as to whether those consular authorities were exercising a proper jurisdiction?

Mr. BRYAN. I believe there was some decision to the effect that the court did have jurisdiction over there. I think the chairman of the Committee on Expenditures in the State Department [Mr. HAMLIN] was diligent in the matter, and I am not making any accusations against the committee or attempting to throw any insinuations of that kind; but I do say I think that old gentleman ought to have relief, and I believe the present Secretary of State ought to take enough interest in that case to have it ferreted out and the right and truth and justice established.

In this estate there was issued a 10-day notice by publication in China to inform an absent brother in the State of Maine that they would proceed to probate the will and distribute the property. I do not say all the other charges are true, but I do say they are of so grave a nature that they should be investigated. Every tribunal has plead jurisdiction on the old man and he has not been able to have a hearing.

Mr. HAMLIN. Mr. Chairman, being chairman of the Committee on Expenditures in the State Department, I know something about this case; and since the question has been raised I think it may be well for me to make a statement.

A brother of the old gentleman to whom the gentleman from Washington [Mr. BRYAN] refers died in Shanghai, China, leaving quite an estate. He left a will. Our consul over there took probate jurisdiction and administered the estate and made distribution in accordance with the provisions of the will. That will conveyed all of his property to his sister, who lived in the State of Maine. The old gentleman to whom the gentleman from Washington [Mr. BRYAN] refers brought suit in the State of Maine, had a hearing, had his day in court, appealed to the appellate court of the State of Maine, and the case was decided adversely to him, both in the lower court and also in the appellate court. After he had gone through the courts of Maine, a jurisdiction which he himself selected, and an adverse decision had been rendered, he then came before our committee and raised the question of the jurisdiction of the consular agent at China to take probate jurisdiction and administer this estate over there.

Mr. BRYAN. Will the gentleman yield right there?

Mr. HAMLIN. Yes.

Mr. BRYAN. Is it not a fact that the decision of the court in Maine was that that court did not have jurisdiction and that the gentleman never did get a hearing on the merits of the question in Maine?

Mr. HAMLIN. My recollection of the matter is that the decision of the court in Maine was to the effect that the deceased had lost his residence in Maine, and therefore the Maine court had no jurisdiction of the matter. I may be in error about this, for it has been some time since I read the opinion of that court.

As chairman of the Committee on Expenditures in the State Department and by direction of that committee I called upon the Solicitor of the State Department for an opinion as to whether our consular agent in China had probate jurisdiction. There is an old decision by a former Attorney General that seemed to hold that our consular agents had no probate jurisdiction; but in a subsequent treaty made with China there is a provision under which the Solicitor for the State Department, backed up by a decision of the Department of Justice, holds that now the consular agent does have probate jurisdiction. It has been a question in my mind. I read that decision, and I think it is somewhat of a debatable question; but our law officers have decided it, and I have their opinion, and if Members think it is of importance enough to incorporate in the RECORD I shall be glad to incorporate it. Our law officers advised our committee that the consul general has probate jurisdiction. Therefore that being true it was my opinion that our committee had nothing whatever to investigate.

Mr. CRAMTON. I would be glad if the gentleman would incorporate that opinion in the RECORD.

Mr. BRYAN. In other words, the committee concluded that if the judge over there had jurisdiction—that is, that if the consular agent had jurisdiction in China—it was out of the sphere of our committee to investigate whether that man's will was administered fraudulently or not.

Mr. HAMLIN. That was the point.

Mr. BRYAN. We did not go into the question of fraud, although the consular agent still stands accused of fraud.

Mr. HAMLIN. This old gentleman charges that there were two wills, and that there was some irregularity in the execution of this second will. I do not understand that he has accused the consular agent of not distributing the estate in accordance with the provisions of the second will.

Mr. BRYAN. But he does charge that the will probated was a fraudulent will, I think.

Mr. MADDEN. He does not charge that the consular agent hypothecated any of the money or anything of that sort?

Mr. HAMLIN. Oh, no. I think he charged that there were some exorbitant fees charged, but that was a mere bagatelle. It did not amount to anything, practically.

Mr. MADDEN. There was no charge of highway robbery or anything of that sort?

Mr. HAMLIN. Oh, no; no charge of corruption or anything of that sort. He simply charges that that second will was not properly attested and ought not to have been admitted to probate, and that the consular agent had no probate jurisdiction. On that question we concluded that there was nothing for our committee to investigate, in the face of the decision of the Solicitor for the State Department.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. CRAMTON] to strike out the word "actual" and insert the word "necessary."

The amendment was agreed to.

The Clerk read as follows:

For rent of premises for the use of the United States court for China at Shanghai, $2,400.

Mr. CRAMTON. Mr. Chairman, I move to amend, in line 18, by striking out "$2,400" and inserting "$1,600."

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 16, line 18, by striking out "$2,400" and inserting "$1,600."

Mr. CRAMTON. Mr. Chairman, I will admit in the beginning that my hopes of securing the adoption of this amendment are not high; but my purpose is largely to bring this before the House, and if possible to bring it sufficiently to the attention of the Department of State so that that great department will come to realize that it is desirable to have an honest administration of things in that far-off court. If it is desirable to have a court there at all, I believe it is more important to have an honest administration in that court than any other Federal court that we have, for the reason that appeals from that far-off court must be taken clear over to San Francisco, and the expenses are such that the ordinary individual can have no appeal. He is absolutely at the mercy of that court. In the hearings that the gentleman from Illinois has referred to, and which I heard as a member of that committee, I was impressed by the fact that that court absolutely needs an overhauling, a thorough investigation; and I hope that the Department of State, which has jurisdiction over it, will do what is necessary.

Now, as to the paragraph in question and the amendment I have suggested, there is no question, as I understand it, but that we are paying, on the audit of the State Department, $2,400 a year for the use of a building there, supposedly for the exclusive use of that court. As a matter of fact, official evidence was introduced before the Committee on Expenditures in the Department of Justice, which I have here in my hand, showing that as a matter of fact the parties who rent the building receive only $1,440 a year for it. What becomes of the difference, whether it is a rake-off for somebody or whether somebody gets house rent out of it, I do not know.

I hope the Department of State will before they ask for another appropriation of $2,400 for the use of the court find out whether they need that amount of money for the court and whether some part of it goes to some unworthy use. I hope, in view of the evidence that has been submitted here showing the municipal tax receipts of Shanghai—the taxes being based on the amount of rental, and they show that the amount of rental is only $1,440 a year—that they will look into this matter. I hope, Mr. Chairman, that the amendment may prevail.

Mr. FLOOD of Virginia. Mr. Chairman, this court has been overhauled. There is another judge now in office.

Mr. CRAMTON. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. CRAMTON. It was overhauled to this extent, that about the time these hearings were being held the resignation of the former judge was received, and while the hearings were in progress the resignation was accepted and a new man sent over there. Is it not true that there has been a succession of scandals, one after another, in that court?

Mr. FLOOD of Virginia. What I was going to say is that there had been a scandal in the transaction of business of that court, and the court has been overhauled, and there is another judge under another administration, and there will be no more scandal in the future. Now, this rent has been contracted for.

Mr. CRAMTON. What overhauling has there been, except the resignation of one man and the appointing of a new one?

Mr. FLOOD of Virginia. The resignation of the man who created the scandal.

Mr. CRAMTON. Was any attention given to the marshal and the other officers of the court?

Mr. FLOOD of Virginia. They are investigating the other officers, who hold office at the pleasure of the President, and there need not be any fear that there is going to be any more scandal.

Mr. CRAMTON. They are now investigating, the gentleman says?

Mr. FLOOD of Virginia. Yes. Now, as I say, this rent is needed because it has been contracted for. If the suggestion of the gentleman from Michigan is borne out by evidence, the rent in the future will be reduced.

Mr. MANN. Mr. Chairman, I do not think it would be fair to allow these statements to go in the RECORD without an explanation of the situation. The gentleman from Michigan [Mr. CRAMTON] indulges in certain charges without having, I think, any official evidence on the subject. There were charges made against this court or against the judge by an attorney coming from over there who, I believe, was disbarred, and who certainly did not have a decent reputation. The Committee on Expenditures in the Department of Justice proceeded to have hearings on the subject far enough to permit this discredited attorney and claim agent who had been kicked out of court for corrupt work, as alleged, to make statements before the Committee on Expenditures in the Department of Justice. When it came about time for the other side to be heard the committee found that it did not have jurisdiction, because this court was not under the Department of Justice, and refused to proceed any further with the hearings. There were requests made on behalf of the judge that he might be heard by some committee.

Mr. HAMLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAMLIN. The gentleman from Illinois is entirely correct——

Mr. MANN. I knew that, or I would not have made the statement.

Mr. HAMLIN (continuing). The committee finding itself without jurisdiction, referred the case to the Committee on Expenditures in the State Department. Now, the statement that the gentleman from Illinois is about to make and to which I want to call attention, so that he may not be inaccurate, is that when the matter came before our committee I, as chairman of that committee, conferred with the gentleman who claimed to be a friend of and representative of this judge and

told him that if his friend desired a hearing our committee would certainly afford him an opportunity. In the meantime the judge resigned, and they stated that they did not care to pursue the matter any further. So I think that no fault can be charged to our committee.

Mr. MANN. I was not charging fault to anyone, although the gentleman is inaccurate if he means to convey the impression that the judge resigned before he asked for a hearing, because the request was made for a hearing before the gentleman's committee, as is disclosed by the record.

Mr. HAMLIN. Not before my committee.

Mr. MANN. Yes; before the gentleman's committee; and the gentleman's committee decided that they did not have any jurisdiction and would not proceed.

Mr. HAMLIN. The gentleman is speaking about the Committee on Expenditures in the Department of Justice?

Mr. MANN. Yes; the Committee on Expenditures in the Department of Justice.

Mr. HAMLIN. That is not my committee.

Mr. CRAMTON. Let me say to the gentleman that the case was taken up before the Committee on Expenditures in the Department of Justice and proceeded with on the assumption that this court was under the jurisdiction of the Department of Justice.

Mr. MANN. I understand that; I have just stated that.

Mr. CRAMTON. I want to correct the further statement by the gentleman from Illinois that when we had received all the evidence on one side we concluded the case and refused any hearing for the other side. Whereas the fact is that having heard to some extent the attorney to whom the gentleman refers, I think somewhat erroneously, we called in the Auditor for the Department of State.

Mr. MANN. I am familiar with what the committee did.

Mr. CRAMTON. Then the gentleman is unfair to the committee.

Mr. MANN. I am not unfair to the committee at all. The Auditor for the Department of State was called in not in behalf of the gentleman against whom the charges were made, but in behalf of the gentleman who made the charges, and the auditor did not sustain the gentleman at all. When these charges had been made to the committee, the judge or some of his friends desired a hearing before the committee, and the committee said that they had no jurisdiction. I have no criticism to make of the committee; they had just found it out; but they had jurisdiction long enough not only to hear the scandalous charges, which I think there was little foundation for, but it seems to have been enough to convince the gentleman from Michigan, although they had heard only one side, that that side was correct.

I do not know what the facts are, but I do know that it is a scandal itself to charge that a judge was in delinquency simply because the committee had heard a discredited, disbarred attorney's charges against the judge without hearing the other side. The judge delayed his resignation for a long time, because he was seeking to have these charges investigated and have a hearing before some committee, but was unable to do so. This was long after he had decided to resign on account of his health, and so announced before the charges were presented.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, there never was an application for a hearing before our committee by the judge. Some gentleman representing himself to be a friend came in and was allowed to take part in the hearing and did ask for an opportunity to put in certain statements.

We had proceeded partly with the gentleman making the charges, and then at his suggestion called in the Auditor for the Department of State, and as soon as it appeared from the testimony of that auditor that the expenditures were those of the Department of State the committee, of course, was absolutely without jurisdiction. We immediately closed the hearings, although the attorney to whom reference has been made had not completed his case. In justice to the attorney making the charges I want to say that there has been some unfairness in connection with the gentleman's attack upon him, because I do not understand that that gentleman is now a disbarred attorney, and a great deal of that which the gentleman from Illinois [Mr. MANN] believes is to his discredit is due to the fact that in his controversies with this particular discredited judge there has been an abuse of power on the part of the judge. I am not one that is charging that everything said against that judge is true. I simply know that there were things presented in that committee which convinced me that there should be a thorough overhauling, not only of the judge but of the entire official circle over there; and we went as far as we could in our committee, and there the matter dropped. The judge, under fire, did resign, and there has been no hearing. We are not to blame for that. If anyone is to blame, it seems to me the judge himself, who resigned under fire, is to blame.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. BRYAN. Mr. Chairman, I move to strike out the last two words. In this discussion of the judge we have lost sight of the man who lost the money, or claims he lost the money. You have lost sight of the possessor of something like $100,000 that was involved in the matter, and I desire to call attention to the peculiar situation that has developed here. The distinguished chairman of the Committee on Expenditures in the State Department, of which committee I am a member, states that he offered to that judge, to that side of the case, a hearing if he wanted it, but the facts of the record show that such right was denied to the man making the claims, Mr. Cunningham, upon the ground that the committee had no jurisdiction.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. I think the gentleman is speaking about something else. I desire to ask him whether he thinks the Cunningham matter has anything to do with this court?

Mr. BRYAN. Not at present.

Mr. MANN. Or did it ever have?

Mr. BRYAN. That is what we were talking about.

Mr. MANN. That is not the consul general. The probate matter had nothing to do with this matter pending in the House.

Mr. BRYAN. Did I not say that we had traveled away from the man who had lost the money and that I wanted to call attention to him?

Mr. MANN. I supposed the gentleman was talking about something in the bill, and that is the reason I asked whether the gentleman thought it had any relation to the bill.

Mr. BRYAN. What we considered and discussed in this committee had something to do with the $100,000 that Mr. Cunningham claims he was defrauded out of.

Mr. HAMLIN. Mr. Chairman, before the gentleman from Washington became a member of the committee—and I neglected to state this a while ago—something occurred to which I wish to direct his attention. The gentleman says that we did not give Mr. Cunningham a hearing. He is entirely in error about that. The committee, during the last session of Congress, devoted one whole day to his matter. I do not mean by that just the forenoon of the day, but the afternoon also. We listened to a legal argument—a very clear, cogent, splendid argument—by a former distinguished Member of this House, Mr. Littlefield, and by attorneys representing Mr. Cunningham upon the other side, when the whole matter was thrashed out by counsel on both sides. It is not accurate to say that we denied him a hearing; but after we had obtained the information from the Solicitor of the State Department as to the jurisdiction of the consul over in China, we set a day and heard his attorneys and also Mr. Littlefield, of Maine, who represented the sister to whom this bequest was made.

Mr. BRYAN. Mr. Chairman, I am afraid the gentleman will take all my time. The gentleman says that we did not deny him a hearing, but what kind of a hearing did we give him? We heard him on the question of whether or not we had a right to give him a hearing, and a gentleman who was formerly a Member of this House, Mr. Littlefield, made a very strong argument that the committee did not have a right to give him a hearing, and the committee sustained that argument. We entered judgment of dismissal on that ground and refused a hearing, as I have already said. Mr. Cunningham, with all of these charges, went to the court in Maine, and he was denied the right to go into the matter there for want of jurisdiction. The court ruled it did not have the right or jurisdiction to give him a hearing. He then went before the Committee on Expenditures in the Department of Justice. That committee said it had no jurisdiction. He came to us—no jurisdiction, although the distinguished chairman [Mr. HAMLIN] says he told the judge that he could have a hearing if he wanted it. He has gone from committee to committee and to the State Department, and there is no jurisdiction there. I maintain that inasmuch as it is stated here by the distinguished chairman of this committee [Mr. FLOOD of Virginia] that there were scandals over there, then this particular charge ought to be investigated and the facts of the matter determined, inasmuch as this old gentleman has gone from court to court and from department to department with his complaints. Why is it that the other side objects

to hearing, thus arguing all day by so distinguished and expensive a lawyer as Mr. Littlefield to keep the curtain drawn? "No jurisdiction" is their long suit for a plea.

Mr. HULINGS. Mr. Chairman, will the gentleman yield for a question?

Mr. BRYAN. Yes.

Mr. HULINGS. I would like to know if this is the Cunningham case which the gentleman is referring to?

Mr. BRYAN. Yes.

Mr. HULINGS. If this House could know the facts in that case, I think it would be ashamed not to take some action in the matter.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read as follows:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available, $50,000.

Mr. BARTLETT. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. FLOOD of Virginia. Mr. Chairman, I move to amend by striking out the words "and to be immediately available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 18, lines 3 and 4, by striking out the words "and to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman from Virginia a question in reference to this matter.

The CHAIRMAN. Did the Chair understand the gentleman from Georgia to reserve the point of order on the paragraph?

Mr. BARTLETT. Yes.

Mr. MANN. The gentleman can not reserve a point of order after an amendment has been had.

Mr. BARTLETT. The amendment cured the point of order. I have not made the point of order. I desire to ask the gentleman from Virginia a question. As I recall, the urgent deficiency appropriation bill carried the money that was necessary for this award of the arbitration board to dispose of the business at its recent hearings.

Mr. FLOOD of Virginia. Yes.

Mr. BARTLETT. And this now is for a continuation for the next fiscal year?

Mr. FLOOD of Virginia. The next fiscal year. We expect to have another board of arbitrators. In the meantime they will have to keep up the branch that represents the American interests—the attorneys and agents, or whatever they are called.

Mr. BARTLETT. They do not call it anything.

Mr. FLOOD of Virginia. This tribunal consists of a court of arbitration composed of a representative of this country and a representative of England, and then they have to keep up a branch of it in the shape of attorneys, who prepare claims of American citizens and defend the claims made by British citizens.

Mr. BARTLETT. Will the gentleman tell me how long this board has been established?

Mr. FLOOD of Virginia. It was established August 18, 1910.

Mr. BARTLETT. I understand many of the claims are of long standing; many of them have been standing for years?

Mr. FLOOD of Virginia. Yes; a great many of the claims.

Mr. BARTLETT. Can the gentleman give us any idea whether this arbitration board will be able to dispose of the cases before it in the next fiscal year?

Mr. FLOOD of Virginia. As I understand it, they will dispose of all the claims that have been presented—that is, the schedule that has been made up.

Mr. BARTLETT. They have disposed of them?

Mr. FLOOD of Virginia. Of the schedule that was made up heretofore, and they think that next year they can dispose of the schedule being made up, consisting of claims presented up to this time.

Mr. BARTLETT. The hearings have been adjourned at the present time?

Mr. FLOOD of Virginia. Yes; that is correct.

Mr. BARTLETT. And they occupied probably three months of this year in the hearings of these cases, I understand.

Mr. FLOOD of Virginia. I think so.

Mr. BARTLETT. And now they have adjourned to such time as they shall be called together.

Mr. FLOOD of Virginia. The American part of this tribunal wishes to have a session in the fall. The English branch of it does not care to have one called for some reason. I believe they have not prepared their claims or for some other reason want a postponement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I was very much interested in this, but on account of the confusion created by those gentlemen who do not care to expedite business I did not catch all of it. I understand there will not be another session of this court or tribunal this year.

Mr. FLOOD of Virginia. The English branch has suggested that they should have no session of this tribunal this year, but our representative, Mr. Chandler Anderson, insisted on there being one to dispose of some claims that our branch have gotten ready and which they wish to dispose of as soon as possible.

Mr. WINGO. My information is that they were in session a very short time this year, and they have quit their labors, and the English representatives perhaps will not agree to a meeting this year. Then what is the necessity for making this appropriation?

Mr. FLOOD of Virginia. The necessity is this: This tribunal consists of two branches——

Mr. WINGO. I understand that.

Mr. FLOOD of Virginia. One branch of it is a court and the other branch has an agent and a number of attorneys to prepare the American claims and to defend the claims asserted by British subjects. They have to prepare those claims before this court meets and present them when the court does meet. Now, the English part of the court does not want to have another meeting this year, and our branch insists upon it, as they have claims ready to submit to the court. Whether the court meets or not, they have to keep the attorneys at work on these claims, some of them of many years' standing.

Mr. WINGO. The gentleman's idea is we have to maintain headquarters and a force, whether or not there is any meeting or business done?

Mr. CLINE. Let me remark that the attorneys we employ to defend this country against English claims are busy all the time briefing cases, preparing them for trial as well as preparing to present the claims of our citizens, so it keeps the counselor and his agents engaged all the time preparing those claims for the session of the arbitration court.

Mr. FLOOD of Virginia. When the court convenes—that part of the tribunal which may be called the court—we are ready to defend our claims and defend claims asserted against us; and that court was in session about three months, and now we want to have it in session about three months more in the fall.

Mr. WINGO. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: The appropriation of $5,000, or so much thereof as may be necessary, for the participation of the United States by official technical delegates in the international conference to be called by the British Government to meet in London during the year 1914 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, is hereby reappropriated and made available for the fiscal year ending June 30, 1915.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that. I think the gentleman will want to move to strike out the language on page 20, "made available for the fiscal year ending June 30, 1915"; every item in the bill is that.

Mr. FLOOD of Virginia. Yes; the gentleman is right about that.

Mr. MANN. Well, I withdraw the point of order and move to strike out all of the paragraph after the word "reappropriated," in line 2, page 20.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, by striking out all of the paragraph after the word "reappropriated," in line 2.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Second Pan American Scientific Congress: To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington in October, 1915, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the

delegates, $35,000, to be expended under the direction of the Secretary of State; and authority is hereby given to the Secretary of State to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise to obtain information from the chairman of the committee as to wherein the provision found on page 20, lines 16 to 24, providing for the Fifth International Conference of American States, differs from the provision which we are now considering providing for the Second Pan American Scientific Congress.

Mr. FLOOD of Virginia. Wherein it differs?

Mr. STAFFORD. This relates entirely, I assume, to the scientific congress?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. This other relates to the Pan American Congress, of which Mr. Barrett is Director General.

Mr. FLOOD of Virginia. No; it relates to the Congress of the American States, the first one of which the gentleman will recall assembled in this country in 1889, and as a result of that congress the union of the American States was formed, which ultimately resulted in the Pan American Union, of which Mr. Barrett is Director General. This Congress of American States—and we have had four of them already—the first meeting was here, the second one in Mexico in 1901, the third one at Rio de Janeiro in 1906, and the fourth one at Buenos Aires in 1910, and this one meets in Santiago, Chile.

All of the American States are represented. They discuss political and international questions, and all other questions of interest to this hemisphere.

Mr. STAFFORD. It is a congress that is held under the jurisdiction of the Pan American Union, is it not?

Mr. FLOOD of Virginia. I can not say it is under the jurisdiction of the Pan American Union. The Pan American Union is more or less under its jurisdiction, and was its creature.

Mr. STAFFORD. The Pan American Union takes charge, and the congress is virtually under its direction?

Mr. FLOOD of Virginia. The Pan American Union makes some of the arrangements in reference to the congress, and of course plays an important part in it.

Mr. MOORE. I would like to know if this is the congress the last session of which was held at Santiago, Chile.

Mr. FLOOD of Virginia. Of which one do you speak?

Mr. MOORE. The Second Pan American Scientific Congress.

Mr. FLOOD of Virginia. Yes; that was held there.

Mr. MOORE. The last session was held in Chile?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. And the next is to be held in the city of Washington?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Was this the full amount asked for by the Department of State?

Mr. FLOOD of Virginia. No. The Secretary asked for $50,000, but we thought, as this congress did not convene until October of next year, we could appropriate the $35,000 now, which would permit the extension of the invitation, and that we could in the next bill appropriate the additional $15,000.

Mr. MOORE. I wanted to say that the American delegates to the convention at Santiago were very highly pleased with the entertainment they received and with the success of their congress.

Mr. FLOOD of Virginia. I understand, I will say to the gentleman, that the Chilean Government appropriated $140,000 for the entertainment of the congress, and we propose in this bill and in the next bill to appropriate $50,000.

Mr. MOORE. It was hoped by those who had gone there as representatives of the United States to improve the relations on a scientific basis with those people of South America, that they might be able to receive and entertain these South American visitors equally as well as they themselves were received in South America, and it is a question whether $35,000 would enable them to do that.

Mr. FLOOD of Virginia. The State Department thought that $50,000 was sufficient for this purpose. The committee agreed with the department, but we knew there was ample time to make the additional appropriation, and it was necessary now to make an appropriation in order to authorize the department and the President to extend the invitation and get ready.

Mr. MOORE. And this may be regarded as binding the United States to receive those South American delegates when the time comes?

Mr. FLOOD of Virginia. Certainly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Acquisition of embassy premises, Mexico City: For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building and the construction of an addition thereto, if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the offices of the embassy, $150,000.

Mr. WINGO. Mr. Chairman, I want to suggest to the chairman of the committee that I desire to move to strike out three of these paragraphs, and it will save time if I could let the one motion apply to all.

Mr. MANN. Well, we would not agree to that.

Mr. WINGO. Very well. I move to strike out the paragraph.

Now, Mr. Chairman, I do not care to take up time by discussing this proposition at length. At some future time I hope to do so, when the press of public business will permit it. I know that there are some arguments that can be made in behalf of our making expenditures of this kind. But unless I am badly deceived in the demands that are being made for this class of expenditures, in spite of anything that may be done, it is only a question of a few years when this Government is going to be expending a great many millions of dollars for foreign buildings for the housing of and for the maintenance of its embassies. Now, some gentleman suggested that I do not know what I am talking about. I suggest that I may have made more study of the question than the gentleman thinks. I do not undertake to arrogate to myself all information, as some gentlemen do, but I think that I know what is being demanded along this line, and I think I know enough about congressional legislation and congressional history to know what will be the result of these demands.

Now, you will start with Mexico, you will start with Japan, and you will start with Berne, and it will not be many years before you will come along with millions for other places. Now, it may be a wise expenditure, but I do not believe it is. I am not going to take up the time now to discuss it at length, because I frankly do not believe you are going to cut it out. I believe you have made up your mind to follow all this class of expenditure, not only here but further on.

Mr. MANN. Is the gentleman familiar with the law on the subject?

Mr. WINGO. Yes; I know the law. I am not going into the details of that.

Mr. MANN. I mean as to limiting the amount, and so forth.

Mr. WINGO. But Congress at any time can change the law. That is the very proposition I am getting to.

Mr. MANN. I will say to the gentleman, after a long experience, it is not easy to change the law and increase that amount.

Mr. WINGO. I know that may be true, but I think I see indications of a break in some quarters that have heretofore been opposed to this class of expenditures, and that is the only object I had in calling attention to it at this time.

Mr. MANN. The gentleman knows, I assume, that this is the first item of the kind that was ever made under the law?

Mr. WINGO. Surely.

Mr. MANN. I will say to the gentleman that I have always rather agreed—I do not want to take the gentleman's time——

Mr. WINGO. My time is not very valuable. I gladly yield.

Mr. MANN. I always took the same position as the gentleman takes now, and feel not so very different from the way he does, although I have offered an amendment like this to the same item before. But we passed a law which seemed to be fairly well guarded, as a sort of agreed result of a long contest on the subject of foreign embassy buildings.

Mr. WINGO. I am familiar with them. I have read the RECORD.

Mr. MANN. If the gentleman read the RECORD on all of these contests, he was very busy for a number of years.

Mr. WINGO. I have wasted a good deal of my time since I was a young man reading the CONGRESSIONAL RECORD. I am free to admit I did that.

Mr. MANN. That came in the end of what they called the Lowden bill—a provision not to exceed $500,000 a year, or $150,000 for any one building. That probably will not take care of some of the embassy buildings. Now, this is the first appropriation under it, after all, up to date. We have not been very extravagant about it.

Mr. WINGO. I have not said that; but I am speaking of my fears for the future.

Mr. MANN. As I drew that law for the purpose of preventing extravagance, I am inclined to think it possibly will.

Mr. WINGO. I hope it will, but I am afraid it will not.

Mr. FLOOD of Virginia. Mr. Chairman, I simply want to say to the gentleman from Arkansas that these provisions are

put in this bill in accordance with the law referred to by the gentleman from Illinois, which authorizes this committee to report for embassy and legation buildings not exceeding $500,000 a year, and not exceeding $150,000 for any one building.

We have carried here $440,000. The question of making these appropriations has been thrashed out in Congress for years and years, and our committee reached the conclusion that it is the fixed purpose of Congress and the country to go on until we can have embassy and legation buildings in important capitals all over the world.

Mr. WINGO. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Arkansas?

Mr. FLOOD of Virginia. I do.

Mr. WINGO. Do you think it wise for one Congress to undertake to map out a course for the future, where that course simply involves questions which each Congress can very intelligently determine for itself?

Mr. FLOOD of Virginia. But Congress did not undertake to bind any future Congress.

Mr. WINGO. Of course it could not.

Mr. FLOOD of Virginia. It could not.

Mr. WINGO. But the argument that the gentleman is making is that this is justified under existing law, and you have fallen $60,000 short of the annual amount that you would have authority to make appropriation for. That is the argument you are making, that you are authorized by law; that Congress, you say, has adopted a policy—a past Congress has. Now, the question I want to ask you is this: Do you think it is wise for any Congress to undertake to bind—not legally, it is true, because that can not be done, but in moral effect—any succeeding Congress on a question of this kind?

Mr. FLOOD of Virginia. I think it is wise, because unless that law had been passed this item and the two succeeding items would be subject to a point of order.

Mr. WINGO. That is true.

Mr. FLOOD of Virginia. The object in view in passing that law was not to bind a subsequent Congress, but to take it out of the power of one man to strike out these items on points of order, and thus make it possible for the committee to report and the House to pass these items.

Mr. WINGO. Will the gentleman yield right there?

Mr. FLOOD of Virginia. Yes.

Mr. WINGO. The bar has already been laid down, and any man who is opposed to this kind of an expenditure can not make a point of order on it. The gap has been made, and now, as soon as you have made appropriations from year to year under the present existing law, does not the gentleman think there will be an incessant demand to change the present law so that future appropriations reported by the committee will be authorized for more extravagant sums?

Mr. FLOOD of Virginia. I think so. I do not think there is any question in the world about that, because I do not think you can build the proper kind of embassy buildings in certain capitals of the world for $150,000, and in that respect the law will have to be changed. But I believe it is the fixed purpose of people in this country who have thought deeply on this subject to have our Government acquire these permanent embassies and legations, so that men of moderate means can accept the highest diplomatic posts. That was the argument that was used when the law was passed, and I think it appeals strongly to the country. I think it is an argument that will justify this Congress in making the appropriations that are carried in this bill.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. I yield to the gentleman from Nebraska.

Mr. SLOAN. I notice that this is the first appropriation for this general purpose that we have ever attempted to make. Is that correct?

Mr. FLOOD of Virginia. That is correct.

Mr. SLOAN. I would like to inquire of the chairman of the committee what is the special propriety in beginning with Mexico, that country being, I believe, the only country of any importance on earth with which we have not now and have not had for about a year any regularly well-established international relations?

Mr. FLOOD of Virginia. This appropriation is not available until the 1st of July, and we expect by that time to reestablish peaceful relations with the Republic of Mexico and start to work putting up this embassy building.

Mr. SLOAN. Will the gentleman, the chairman of the committee, assure us that peace and tranquillity will be established by the 1st of July?

Mr. FLOOD of Virginia. I can not assure the gentleman, but that is a reasonable expectation, and I entertain it.

Mr. SLOAN. Would it not be a pretty good idea to strike this out and wait and see, and first establish our embassies in the capitals of countries that we recognize?

Mr. FLOOD of Virginia. No. I think that, with the prospect of a peaceful settlement of our difficulties in Mexico, it would be very unwise to strike it out.

Mr. SLOAN. Probably the gentleman has some special information on that?

Mr. FLOOD of Virginia. Probably I have.

Mr. CLINE. Mr. Chairman, I want to call to the attention of Members who are not as thoroughly posted on the subject as is the gentleman from Arkansas [Mr. WINGO] that this great Government, composed of 100,000,000 people, doing the second greatest export business of the world, is humiliated in the eyes of every great nation by the fact that it has to house its diplomatic and consular agents in back rooms of unattractive buildings in some of the great capitals of the world.

We have not got embassy buildings located in any of the great capitals that compare with the dignity of this Nation. Smaller nations, like Switzerland and Holland and Italy, have embassy buildings located in various parts of the world in which to house their legations, and the American people, who ought to be in the forefront of all these enterprises, are compelled to rent the buildings in which to house their diplomatic and consular agents—a humiliating situation. Under those circumstances the United States Congress three or four years ago believed that the time had come when we ought to erect and own the homes of our diplomatic and consular force and not be humiliated by present conditions in this respect.

Mr. BARTLETT. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. CLINE. Certainly.

Mr. BARTLETT. You say, "We have to rent." The ambassador has to rent.

Mr. CLINE. Yes; I am coming to that.

Mr. BARTLETT. We have not to rent at all. The ambassador has to rent.

Mr. CLINE. What is the result? Our ministers and ambassadors to Spain and Italy and Germany and France and those countries have to rent buildings where they live, and it costs those who go there to do the business of this great Government from $10,000 to $20,000 a year above their salaries for the hire of those quarters and to maintain the social standing necessary. Our representative at Buenos Aires is getting a small salary, and yet the cost of living there is so high that he is compelled to occupy quarters that cost him in the neighborhood of $3,000 or $4,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CLINE. Now, Mr. Chairman, this economist from Arkansas is always talking about "saving the people's money" and about how proper it would be to look out for every expenditure. Let me call this economist's attention to what we could do. If we would hire the money at 3 per cent and build every one of these buildings that we need in the capitals of the world, it would be a saving, and it would open the avenue for appointment to these positions to men of small means, though capable, to reach those embassies and serve the United States, whereas under present conditions they can not do it.

That is the reason why the Congress provided in a small way $500,000 a year to begin this work. Why, gentlemen, that is only about one thirty-sixth of the amount we put into a battleship. We thought we might begin to build these buildings and locate our men in quarters comparable to the position we hold in the family of nations, and give ourselves some respectability and dignity, even if we have no respect for our standing abroad.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CLINE. Certainly.

Mr. FESS. I wanted to ask the gentleman if this particular status of our relationship with the other countries does not make it almost impossible for any man, however able or eminent he might be, to serve our country in those foreign lands unless he has a competence?

Mr. CLINE. I just stated that. I will say to my friend from Ohio, the Executives of administrations for years and years back have been compelled to appeal in the selection of

ministers and ambassadors to those men who had immense wealth to expend in addition to their small salary, because of the parsimonious way in which Congress has dealt with the subject. Not only is it patent that good men have refused to accept these positions on that account, but the present administration and the last administration have assigned the insufficient salary as the very reason why they could not find men to accept these positions. And yet the United States Government permits that kind of a condition to exist, and the Congress has refused to provide the necessary buildings where those men could go who are capable and able to represent us as well as men who have a vast amount of wealth.

Mr. FESS. That is not wise economy, is it?

Mr. BRYAN. Certainly it is not.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Alabama?

Mr. CLINE. Yes.

Mr. ABERCROMBIE. Can the gentleman from Indiana tell us what rental we now pay for the use of our building for the embassy at Mexico?

Mr. CLINE. I do not know.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the gentleman from Indiana [Mr. CLINE] be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLINE. I do not know what the annual rental is, but I know that Mexico was selected by the State Department last year and recommended, and selected this year and recommended, because we had an extraordinary opportunity to get a very valuable piece of property with a good building on it for the sum of $150,000, a comparatively small sum considering its location in the capital of that country.

Mr. KAHN. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. KAHN. Is the gentleman aware of the fact that in most of the capitals of the world the hackmen are unable to tell visiting American citizens where the American embassy is or the American legation is, because it keeps moving around from one administration to another?

Mr. CLINE. That is particularly true in Switzerland, where the American people go by the thousands every year to visit that very notable country; and it has become a matter of public notice and comment in the press that the Government of the United States permits that kind of a condition to exist, that citizens of the United States when they wish to visit the American legation in Berne are unable to find it, because they can not find the rented quarters that it occupies, their representatives are compelled to shift quarters so frequently.

Mr. KAHN. And the gentleman is familiar with the fact that the newspapers recently printed long articles showing the difficulties encountered by gentlemen who had been appointed to foreign posts in trying to secure adequate quarters for their residences and offices.

Mr. CLINE. I am familiar with that fact, and I will say that my good friend the gentleman from Missouri [Mr. BARTHOLDT] is a living and present witness to that condition, having been in Berne and having observed and become familiar with the conditions the gentleman relates. He testified to that fact before our committee, and recounted the difficulties that are attendant upon our present course of procedure.

Mr. KAHN. Does not the gentleman think that a diplomatic and consular officer of the United States, appointed to his post, could be better occupied in looking after the affairs of American citizens abroad than by chasing around trying to find suitable accommodations?

Mr. CLINE. Very much more so, and that is one reason why we included the authorization of these buildings in the present bill.

Mr. SHARP. Mr. Chairman, I want not only to subscribe to all my colleague on the Committee on Foreign Affairs [Mr. CLINE] has so well said, but to say that it seems to me that there are other very good reasons why these appropriations should be made in at least the amounts for which we have provided in this bill.

Answering the query of the gentleman from Arkansas [Mr. WINGO] as to whether this was not the first step in letting down the bars for future expenditures of a similar nature, let me say that the law was put upon our statute books so that the bars could be let down. There would be no earthly object in two different Congresses considering this important matter and finally enacting it into law without there was also provided a means by which that law could be carried into execution; so that it is not a just criticism to say that we are letting down the bars, when we are for the first time only undertaking to give effect to its provisions.

Perhaps I attach too much weight and importance to the value of diplomacy as applied to our dealings with foreign powers, but I long ago became convinced that the ability and good sense of one diplomat in an important foreign post may at times be worth half a dozen battleships in maintaining peaceful relations, good will, and amity among nations. [Applause.] If we are to have our representatives live in such a manner as to comport not only with the dignity of the country but with the importance of their service, we ought as soon as practicable to house them in respectable quarters, so that the American flag shall fly over an embassy that is at least respectable and in keeping with the dignity of the great country which our ambassador represents. [Applause.]

Mr. Chairman, we have embarked upon a new and increased sphere of action. I remember as a schoolboy that our geographies taught that the British Empire was so great in its territorial possessions that upon those possessions the sun never set. It seemed then that the time was remote, if indeed it was ever to come, when that would be true of our own country; but the kaleidoscopic events of the past 15 or 16 years growing out of the Spanish-American War have made us a good deal such a world power. While I do not know that I am literally correct in the assertion that we have already arrived at a point in our territorial expansion where the sun never sets upon our possessions, yet I do know that as a result of that war our obligations have been very greatly increased; substantially in the same proportion have the responsibilities and duties of our representatives abroad increased. [Applause.]

The declaration of Jefferson for "peace, commerce, and friendship with all nations, entangling alliances with none," is as pertinent to-day as it was when those words fell from his lips. As a result of the Civil War we learned, though the lesson was taught through the sacrifice of the brave men of the North and the South, that henceforth and for all time our country must be one and indissoluble. Only the red hand of anarchy can threaten danger from within; and with that force the power of both State and National Governments should never temporize for a moment. The only danger, then, that will threaten the perpetuity of our Republic must come from without—across the seas. Under such conditions is it not a mistaken conception of economy to refuse to most generously appropriate money for any purpose that shall have for its object the strengthening of our diplomatic relations with foreign powers? Indeed, to my mind all of those provisions of the present bill which appropriate money—it is true, in small sums—for the purpose of participating as a member of the different international commissions and congresses therein mentioned are helpful agencies in maintaining cordial relations with those powers, and this even though the particular cause for which they have been called may not be materially advanced.

While lack of time prevents me considering also what may be termed the purely commercial phase of our Diplomatic and Consular Service as calling for liberal recognition of our representatives engaged in those fields, yet I hope on some other occasion to speak at some length upon the need of greatly improving that work if we would take our share of supplying the world's markets. That it is the earnest purpose of the administration to bring about these results, both in the interest of a world-wide peace as well as to develop our foreign trade, I am pleased to believe.

Mr. BARTLETT. Mr. Chairman, I desire to speak in opposition to the amendment.

The CHAIRMAN. The Chair desires at this point to recognize some gentleman in favor of the amendment.

Mr. BARTLETT. There is no one who wishes to speak in favor of the amendment.

Mr. FLOOD of Virginia. I ask unanimous consent that the gentleman from Georgia have five minutes.

Mr. BARTLETT. No; I do not care to get the floor in that way, although I thank the gentleman from Virginia.

The CHAIRMAN. The question is on the amendment.

Mr. BARTLETT. I move to strike out the last three words of the amendment.

The CHAIRMAN. The motion of the gentleman from Arkansas is to strike out the paragraph. There is no last word.

Mr. FLOOD of Virginia. I ask unanimous consent that the gentleman from Georgia——

Mr. BARTLETT. No; I am not going to get the floor in that way. Mr. Chairman, I am opposed to the amendment, and I ask to be recognized.

The CHAIRMAN. The gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I voted for the bill to authorize the acquisition of sites and to erect proper homes for our ambassadors and diplomatic representatives accredited to foreign countries. I do not think the proper ground for such action should be because of the results of the Spanish-American War or because we have since then become a world power. I think we would be entitled to much more consideration and respect from the powers abroad if we did not claim for ourselves to be a world power. We are the representatives of the sublimest effort that ever emanated from the mind of man to establish in the world a republic that would endure for all the ages; and it is because we are the representatives of the great Republic that has lived for more than 130 years, and that we, and those who are lovers of freedom, hope will endure for all the years to come, that we are entitled to our own self-respect and to the respect and admiration of the people of other countries; not because of any princely or royal powers, but because we have become the mightiest free Republic of constitutional government that ever was created in all the history of the world.

It is due to our people and Government, the greatest Nation on the face of the earth, representing the greatest principle of liberty and self-government of any people since time began, that we should provide for those whom we send abroad as our representatives in decent and respectable homes and give them money enough to live decently and respectably upon, in accord with the station and rank they should occupy.

What is the condition of affairs? Take the great office of our ambassador to France, at Paris. Why, we have there now a representative of this Government, a gentleman of highest qualifications, who has discharged the duties of that office most efficiently and creditably to himself and the country. But he is a man of large fortune and can afford it. Why, Mr. Chairman, I have no doubt that he pays more for the rent of the house in which he lives than twice the amount of the salary that he receives from this Government. It is because he is a patriotic American citizen, imbued with the idea of properly representing the people of this great Government, that he is willing, out of his ample fortune, to provide a decent and respectable place to reside in and entertain and receive the people of other countries and Americans who may happen to be in Paris upon business or otherwise.

What is the result? Time and again during this administration the position of ambassador to France has been offered to distinguished Democrats, and yet not one has been able to accept it. Why, does not everybody believe that any man ought to be glad of the opportunity to serve his country in that great office, but that no man has been found in the Democratic ranks able to afford, for the sake of the honor and dignity of the office, to expend from his private fortune the amount necessary to meet the expense incident to the proper discharge of the duties and responsibilities of this office?

Take the position of ambassador to London. We have the same public office for officials over there that we have had for a number of years. I have seen in the press recently that we have been notified that we must soon find other quarters.

Mr. MADDEN. But the Government pays the expenses of that office, so that it does not embarrass the ambassador.

Mr. BARTLETT. Does the gentleman mean the removal of the office?

Mr. MADDEN. Yes.

Mr. BARTLETT. The people who own the property have notified the London ambassador that they can not longer occupy that office.

Mr. MADDEN. That is done everywhere, and we do it here.

Mr. BARTLETT. I was not ignorant of the fact that the gentleman from Illinois calls attention to. I called attention to it for the purpose of asserting that this Congress ought long ago to have made the necessary appropriation, not only for a building for the ambassador in Mexico, Japan, and Switzerland, but in all the other great countries where we send our ambassadors to represent this country, and that it is not unnecessary extravagance to do so, but it is false economy to fail to do so.

Mr. MADDEN. I agree with the gentleman.

Mr. BARTLETT. I have no doubt the gentleman does. While I am in favor of not expending any more money than necessary to carry on the government economically administered, yet I know that the people I represent, whether they be merchants or bankers or men who work in the shop or men who plow the soil and raise the crop, would be willing that this Government should expend the amount necessary to properly house and take care of its representatives abroad that they may live in a manner as becoming the dignity and greatness and worth of our great Republic, the last and crowning effort on the part of humanity to establish forever and perpetuate the greatest Government and Republic ever devised in the mind of man, founded and building for human liberty, and around which I believe the lightnings of eternity will play. [Applause.]

Mr. SMITH of New York. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. SMITH of New York. Are we not doing our full duty in spending $500,000 a year for the construction of embassies?

Mr. BARTLETT. I think we are doing all we can do under the present state of the law. I was not complaining or criticizing the committee, but was asserting that it was a false economy that this had not long ago been done, and that it would be economy now to return to the old plan as is proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On April 25, 1914:

H. J. Res. 253. Joint resolution reappropriating certain funds for expenditure at the naval station at New Orleans, La.; and

H. R. 7138. An act to provide for raising the volunteer forces of the United States in time of actual or threatened war.

On April 27, 1914:

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

April 29, 1914:

H. J. Res. 204. Joint resolution authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., and New York, N. Y.

On April 30, 1914:

H. R. 5487. An act to authorize an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis.

On May 2, 1914:

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes; and

H. R. 11269. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On May 7, 1914:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson.

On May 8, 1914:

H. R. 2314. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal;

H. R. 7951. An act to provide for cooperative agricultural extension work between agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture;

H. J. Res. 242. Joint resolution authorizing the Secretary of War and the Secretary of the Navy to loan equipment for the purpose of instruction and training to sanitary organizations of the American National Red Cross; and

H. J. Res. 263. Joint resolution designating the second Sunday in May as Mothers' Day, and for other purposes.

On May 9, 1914:

H. R. 5993. An act authorizing the city of Montrose, Colo., to purchase certain public lands for public park purposes.

On May 12, 1914:

H. R. 12291. An act to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse, and for other purposes.

On May 13, 1914:

H. R. 13770. An act to consolidate certain forest lands in the Sierra National Forest and Yosemite National Park, Cal.

On May 16, 1914:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Acquisition of embassy premises, Tokyo, Japan: For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000.

Mr. WINGO. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, by striking out lines 11 to 16, inclusive.

Mr. WINGO. Mr. Chairman, I had no idea of provoking such a discussion on this matter. I doubt very seriously if I had known that I would provoke the criticism that was made I would have had the temerity to raise this question. But, in passing, I want to thank my distinguished, genial, courteous, and amiable friend from Indiana [Mr. CLINE] for the compliment he paid me. It was so unexpected and so extravagant that I fear the ordinary person will think there was collusion between us.

I recognize the fact, and I have said so before, that there are good arguments in favor of the existing law on these appropriations. The thing I am afraid of is the extravagance it is going to lead to. My fears are justified by the utterances of every speaker to-day who is chafing at the limitations of the present law. One says that no patriotic citizen favors limiting it to what it is now. An humble Member moved to strike out what he thought was an unwise appropriation, and it provoked several Members to rise in defense of the item, which shows that there is some ground for fear that in the future you are going to change the present law by raising the present half-million-dollar limit. You can make the arguments that have been made, and it will not be many years before they will say that the dignity of this great Republic requires that we appropriate money to buy the grape juice which the diplomats drink and the knee breeches they wear. I was surprised at the defense of $150,000 for Mexico City. What do you need it for? It will be a waste of money. Is there any man here believes that you are going to need a building down in Mexico City for many years? Is there any man here who doubts what the future is with reference to Mexico? If he does he is more of an optimist than I. We may patch up peace now.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Certainly.

Mr. ANTHONY. What is the gentleman's idea?

Mr. WINGO. I do not know whether I should have the temerity to state it, because some gentlemen may see fit to scold me because I have the audacity to express an opinion; but as the gentleman has asked for it, I will give it to him. We may be able to patch up peace now, but the history of Mexico shows what? The history of Mexico for 400 years has been one of strife, revolution, anarchy, and despotism. I do not want war; I hope it can be averted; but I fear we shall never have permanent peace and order in Mexico until we take possession of that country. Whether it be wise, whether it be proper, whether it be good for the ultimate welfare of this Republic, is not the question. I think I know the temper of the American people; I think I know the temper of the Anglo-Saxon; I think I have read correctly the history of this country; and, whether you do it this year or next, it is only a question of time when this country will extend to the Panama Canal. We will take the border with us when we cross the Rio Grande.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. With pleasure.

Mr. KAHN. I take it, then, that the gentleman is not in accord with the President's Mobile speech?

Mr. WINGO. Oh, it would serve no useful purpose to discuss that speech; but whether I agree with it or not, I agree with him in his efforts to maintain peace, and I think it is the duty of everyone to hold up his hands in his efforts to bring order out of chaos. I hope it may yet be done.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BARTHOLDT. My friend from Arkansas is objecting to the expense of erecting these buildings. I suppose he knows, of course, that there are not any more than about 25 necessary, and, counting each one at $200,000, that would make a total expense of only $5,000,000. How much does he think an expedition to Mexico for the purpose of subduing that people and making the country American territory would cost?

Mr. WINGO. Oh, that is a thing that appalls me. That is a thing that makes me hope that the President can yet bring peace out of the present situation. I am expressing my fears, and not my wishes. I think everyone has the same fear that I have. I dread war. I do not want war. The terrific toll of life and property is something that appalls any man when he contemplates it, and no one would do anything to bring on a war. I pray for peace, but I expect ultimately we will have war; I expect ultimately we are going to have to go in there, and why? We have a turbulent neighbor.

The history of that country shows that it is going to continue so. Whether you agree with the Monroe doctrine or not, we all know that this Nation is always going to insist on order in Mexico. We have gone too far on this occasion to ever retrace our steps with reference to that. I say that in the course of time we are going to take that country, so what is the use of wasting money down there? I agree with the gentleman that if we are going into this policy at all we should select the most practicable places and start right. Now, as to the gentleman's statement with reference to the cost of buildings, I desire to say this: After you once start and get an embassy, in a few years you will come to the conclusion that you have not as good a one as some other nation, and then some gentleman will appeal to our sense of pride, and you will demand a better palace for your representative, and then you will demand an annex, and then you will demand appropriations for certain expenses, for household expenses, and servants, and all those other things. That is the trouble, and that is the fear that I have.

Mr. BARTHOLDT. Mr. Chairman, if we erected a palace in all of the 25 countries where we ought to erect embassies, the whole thing would not cost more than the cost of one battleship.

Mr. WINGO. That may be true, but not my conception of a palace. The public buildings in this country cost from five to ten million dollars each, and I think if you are going to follow your policy and are sincere and keep up with the other nations, in a few years' time you will be asking for several millions for Paris, for Madrid, for Berlin, and for London.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was rejected.

The Clerk read as follows:

Acquisition of embassy premises at Berne, Switzerland: For the purchase of a site and the construction of a building thereon at the city of Berne, Switzerland, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building and the construction of an addition thereto, if necessary, for the use of the embassy to Switzerland, both as the residence of the diplomatic officials and for the offices of the embassy, $140,000.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 22, by striking out the paragraph beginning with line 17 and ending with line 26.

Mr. WINGO. Mr. Chairman, I am so anxious to pass the appropriation bills and the antitrust bills and go home that I am not going to take up any time in discussion of this amendment, because it is the same that we have just been discussing.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill with reference to the language used in this item and some of the others. I notice in the provision for an embassy building at Mexico it reads that it shall be used as the residence of the diplomatic "officials." In the provision for the embassy at Tokyo the language is that it shall be used as the residence of the diplomatic "officers," and in the provision for the residence at Berne the language is diplomatic "officials." Is there any purpose in making the distinction between diplomatic "officers" at Japan on the other side of the world and diplomatic "officials" in Mexico and at Berne?

Mr. FLOOD of Virginia. None whatever.

Mr. MANN. I take it the committee used the language sent in the estimates, but I did not know whether the distinguished Secretary of State drew a distinction.

Mr. FLOOD of Virginia. Not at all. We intend to have it for the residence and offices of the diplomatic corps at both places, the residence of the ambassador or minster at each place.

Mr. MANN. I took the trouble a moment ago to look at the dictionary that is official in the House here—I think it is the Standard Dictionary—as to the meaning of the word "em-

bassy," and I find it is the residence of an ambassador. As we have no ambassador to Switzerland, should not that language be changed to conform with the title of the official or office of the minister or envoy, which I think is ordinarily called a legation?

Mr. FLOOD of Virginia. "Acquisition of legation premises" would be the better phrase.

Mr. MANN. Acquisition of legation premises at Berne, Switzerland.

Mr. FLOOD of Virginia. Yes; that is it.

Mr. MANN. I think we ought to make a distinction.

Mr. FLOOD of Virginia. That is right. Mr. Chairman, I move to amend, in line 17, by striking out the word "embassy" and inserting the word "legation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, line 11, by striking out the word "embassy" and inserting the word "legation."

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Then, in line 26, there should be the same amendment at the end of the line.

Mr. KAHN. Also in line 24.

The Clerk read as follows:

Amend, page 22, line 26, by striking out the word "embassy" and inserting the word "legation."

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. And also in line 24.

The Clerk read as follows:

In line 24, page 22, strike out the word "embassy" and insert the word "legation."

The question was taken, and the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The next paragraph pertains to one of our international commissions.

The CHAIRMAN. If the gentleman from Pennsylvania will indulge the Chair, the motion of the gentleman from Arkansas is to strike out the paragraph.

Mr. MOORE. I thought that had been disposed of.

The CHAIRMAN. The Chair thinks not.

Mr. WINGO. Not officially.

The CHAIRMAN. The question is on the motion of the gentleman from Arkansas to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. During the pendency of the motion of the gentleman from Arkansas to strike out the paragraph there was a motion made by the gentleman from Virginia to change certain language in the paragraph, and I desire to know if that was a proper parliamentary proceeding?

The CHAIRMAN. Generally speaking, the Chair will state it is proper for a gentleman in charge of a bill to correct the language of the text, and the Chair understands that was the purpose of the motion of the gentleman from Virginia.

Mr. FOWLER. It was not, Mr. Chairman, as I understand it, offered as an amendment to the motion of the gentleman from Arkansas.

The CHAIRMAN. The Chair understood that it was a motion to perfect the paragraph. The question is on the motion of the gentleman from Arkansas to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. WINGO) there were—ayes 2, noes 26.

So the motion was rejected.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. In 1902 an act was passed making permanent annual appropriations for the purpose of an international navigation congress to which the United States is attached by what is called the American section. I have been unable to find just where the annual appropriation is provided for, but I understood it usually was taken care of in this bill. Is the gentleman from Virginia informed as to that?

Mr. FLOOD of Virginia. It is not carried in this bill.

Mr. MOORE. There is an annual appropriation of $3,000 for the American section of the International Navigation Congress. It is such a congress as is usually provided for in this bill, and I would like to know whether it has been carried heretofore in this bill.

Mr. FLOOD of Virginia. It has not for some years. It was not last year, and is not this year.

Mr. MOORE. Does the gentleman know where it is carried?

Mr. FLOOD of Virginia. No; I do not.

Mr. MOORE. There is to be an international congress in Sweden, I think, next year, at which the United States will be represented.

Mr. FLOOD of Virginia. We will look that up and carry it in the next bill.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

International Commisssion on Public and Private International Law: For the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, $20,000, or so much thereof as may be necessary, to be immediately available and to continue available during the fiscal year ending June 30, 1915.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Is there any special reason for this appropriation to be immediately available?

Mr. FLOOD of Virginia. No; there is not.

Mr. MANN. I would like to make this suggestion to the gentleman: I suppose this is in the form of the estimates sent down, and provides for an appropriation of $20,000, "or so much thereof as may be necessary." That language means nothing. It is not customary to put that in an appropriation. They are not required to use the $20,000, and if it is not used, of course, under the law, that goes back into the Treasury and lapses after a certain length of time.

Mr. FLOOD of Virginia. Of course, any appropriation under this bill, unless specifically directed, lapses into the Treasury.

Mr. MANN. Yes.

Mr. FLOOD of Virginia. The committee dropped into putting that language in there by reason of the fact that under the act of March 2, 1909, an appropriation of $10,000 was made for this purpose. It was not used, and lapsed; and the department thinks $10,000 is not enough now, but think they will need somewhere between $10,000 and $20,000.

Mr. MANN. But you can not make an appropriation between $10,000 and $20,000. It lumbers up the statutes.

Mr. FLOOD of Virginia. The gentleman is correct about the suggestion in reference to the language.

Mr. MANN. If there is no special reason for making it immediately available, I suggest to the gentleman that he strike out all after "$20,000." The words "and to continue available during the fiscal year ending June 30" are unnecessary. That is what the appropriation is for.

Mr. FLOOD of Virginia. Mr. Chairman, I move to strike out all the language, page 23, line 14, after "$20,000" down to and including line 17.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment, and the gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 23, by striking out all of line 14 after "$20,000" and lines 15, 16, and 17.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $15,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I desire to ask him what are the duties of these five consular inspectors.

Mr. FLOOD of Virginia. They go all over the world and inspect the consulates and make reports to the State Department. They were created by an act of 1906, after there had been great complaint about the condition in the consulates in certain parts of the world. These officers were established as inspectors.

Mr. CULLOP. Does anybody have authority to inspect them, or are they free from any inspection?

Mr. FLOOD of Virginia. They are subject to inspection by the Secretary of State and officials of the State Department.

Mr. CULLOP. Is this the salary they have been receiving heretofore?

Mr. FLOOD of Virginia. They have received that from the time the offices were instituted in 1906.

Mr. CULLOP. Was that salary named in the law?

Mr. FLOOD of Virginia. They are named in the law. When the Consular Service was reorganized in 1906 these salaries were fixed in that law.

Mr. CULLOP. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REMISSION OF PORTION OF CHINESE INDEMNITY.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000, reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. FLOOD of Virginia. Mr. Chairman, I will just ask the gentleman to reserve it. I concede the point of order, but the gentleman from New Jersey [Mr. TOWNSEND] wishes to submit some remarks on the subject.

Mr. TOWNSEND. The point of order has been conceded.

Mr. MANN. If the gentleman wants to submit remarks, I do not know that I have any objection; but probably I will wish to submit some remarks on the other side, and the result will be probably that the bill will not pass to-day. I thought the gentlemen were very anxious to pass it to-day.

Mr. FLOOD of Virginia. The gentleman only cares for about three minutes.

Mr. MANN. I do not know how much time he will want after I speak for five minutes.

Mr. FLOOD of Virginia. After he speaks the point of order will be held good.

Mr. MANN. I have reserved the point of order. If I allow somebody to attack my position on this, I probably will want to defend it. It is an old, old matter, you know. I will withhold the point of order so that I may have the pleasure of hearing my distinguished friend from New Jersey.

Mr. TOWNSEND. That is very kind of the gentleman from Illinois.

Mr. MANN. That is not kindness at all. It is simply a desire to hear the gentleman speak, which I always like to do.

Mr. TOWNSEND. What I shall say I shall predicate on the fact that the chairman of the committee has accepted the point of order.

Mr. MANN. About which there is no doubt.

Mr. TOWNSEND. Mr. Chairman, the Representative from Illinois [Mr. MANN] by employing a technicality has, to the extent of his power, checked the regular employment of American labor at good wages.

This provision which he has stricken out of this bill was intended to be an act of justice to a number of American citizens engaged in commerce in China and Japan. They suffered great loss through the activities resulting from the anti-foreign Boxer uprising in China. Among those who suffered from that uprising was an old-established American commercial firm known as the Japan & China Trading Co. For nearly half a century its business was conducted in Boston, but for a number of years it has been conducted in New York. This company annually exports to China and Japan many million dollars' worth of American products to be consumed or used in those foreign countries. I know of no means by which American labor can be kept constantly and profitably employed better than by the extension of the use or consumption in foreign countries of the things those laborers make or produce, be they farmers or skilled workmen.

If the voters of the district represented by the gentleman from Illinois [Mr. MANN] approve his action in employing his technicalities to decrease their employment, they are less intelligent than I believe them to be. He has stricken from this bill a provision designed to reimburse an American trading company of long and honorable career for losses it sustained through the antiforeign riots following the Boxer rebellion in China. That American company, as I have suggested, has for nearly three-quarters of a century supplied an outlet in foreign countries for the products of the laborers employed in this country; it has exported many millions of dollars' worth of the products of American labor for use or consumption in the Far East. In doing so it has helped to keep employed American workmen. But the Representative from Illinois [Mr. MANN], proudly employing his power as the leader of the Republican minority, resorts to a mere technicality to prevent this old and honorable trading company from recovering from China a part of the loss it sustained through the Chinese riots. I do not believe his voters who labor will approve his act in this respect. I believe his voters, the laboring men of his district, want these trading companies, who export their products, encouraged instead of discouraged. He has the power—any Member on the floor has the power—to block this act of justice; but I believe the voters of his district will not indorse his action in checking the steady employment of American labor at good wages.

It may be that the voters in the district represented by the gentleman from Illinois [Mr. MANN] are satisfied with his use of his power, with the use of a technicality here, to check the industries in this country in which many of those voters are employed, industries which are quickened and enlarged by the use or consumption of their products in foreign lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I am quite willing that my distinguished friend from New Jersey [Mr. TOWNSEND] should, during the campaign, come out and read to the voters of my district, as he has read to the committee, this little speech prepared by him or some one else. It sounds so nicely, however, that I think he must have prepared it himself. What are the facts in the case? For the first time, I think, in the history of the Government a company that had a claim against a foreign Government, after having been protected by our Government and had the claim paid, has the extreme gall to come before Congress and ask to have its counsel fees paid.

Mr. TOWNSEND. Will the gentleman submit to an interruption?

Mr. MANN. I will; but I did not interrupt the gentleman, although he put in his whole time abusing me.

Mr. TOWNSEND. I was merely stating some economic facts; that was all. If the gentleman from Illinois is mixed up in the facts it is his fault, not mine.

Mr. MANN. The gentleman was not stating economic facts at all.

Mr. TOWNSEND. If the gentleman does not agree with those facts, it is not my fault.

Mr. MANN. I will yield to the gentleman.

Mr. TOWNSEND. Has the gentleman any evidence of the fact he has asserted just now, that these claimants want their counsel fees only paid?

Mr. MANN. Did I say "counsel fees only"?

Mr. TOWNSEND. I understood the gentleman so to say.

Mr. MANN. Does the gentleman deny that they want their counsel fees paid?

Mr. TOWNSEND. So far as the company mentioned by me is concerned, the counsel fees were paid long ago, and I have a letter telling me that they have been.

Mr. MANN. Oh, yes; they have paid their counsel.

Mr. TOWNSEND. Certainly.

Mr. MANN. But they want the Government now to refund to them the money for the fees that they paid their counsel. Does the gentleman deny it?

Mr. TOWNSEND. The purpose for which this money was to be used was to place these American merchants as nearly as possible in the position they were in before the Boxer uprising. If they are not allowed the cost of presenting their claims before the Court of Claims, they are out just the amount of the cost of presenting their claims—a very serious charge upon them.

Mr. MANN. I was afraid, when I agreed to withhold my point of order, that this debate would take all afternoon. But I would like to use just one moment of my time. We received from China an indemnity fund and paid the claims of American citizens out of that fund, and then we proposed to refund to China, as an exemplification of our great affection for China and of our natural generosity, the balance of the fund. But because a little of it was retained in the Treasury pending the final settlement of these claims, this great company and other great companies who had had their claims paid out of this fund by the Government of the United States now ask that we pay their counsel fees.

That is nerve and gall so extreme that I am surprised that anybody would propose it in the American Congress. It has had support at different times. I am willing at any time to discuss that matter before the House on the various bills and joint resolutions which have been reported from time to time, but I have always objected to passing the claim by unanimous consent and to setting the precedent that the Government of the United States, when it secures the payment of a claim for any of our citizens, shall in addition pay the lawyers' fees in

connection with it. That is not done in any court in the land, although occasionally a small amount of lawyers' fees may be taxed as costs. But these people want to have all their expenses in connection with making their claim and their lawyers' fees paid by the Government of the United States out of this fund. I think it is gall enough, and so I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order on the paragraph. The point of order is sustained.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For the purpose of defraying the expenses incident to the Fifteenth International Congress Against Alcoholism to be held in the United States in 1915, $40,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The Secretary of State is hereby authorized and requested to extend an invitation to the Governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress.

Mr. STAFFORD. Mr. Chairman, I make a point of order against the paragraph.

Mr. JOHNSON of South Carolina rose.

Mr. SHARP. Mr. Chairman, will the gentleman withhold his point of order for a moment?

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes a point of order on the paragraph.

Mr. STAFFORD. It is getting late, Mr. Chairman, and I do not think it is advisable to consume much time——

Mr. SHARP. Mr. Chairman, as a member of this committee, I would like, out of courtesy, to be heard briefly upon this paragraph. Will the gentleman withhold his point of order?

Mr. STAFFORD. I would like to accommodate the gentleman for a brief time, but it may provoke debate. How much time does the gentleman desire?

Mr. SHARP. About five minutes.

Mr. UNDERWOOD. Mr. Chairman, I think it is very important that this bill should be gotten through. The House agreed yesterday to adjourn to-day at half past 2. I do not object to debate on the paragraph if it is in order, but——

Mr. STAFFORD. I shall have no objection to the gentleman from Ohio [Mr. SHARP] extending his remarks in the RECORD.

Mr. SHARP. Will the gentleman withhold his point for a moment?

Mr. STAFFORD. I shall reserve my point of order for three minutes if the gentleman from Ohio is the only gentleman who wishes to speak.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I hope the gentleman from Wisconsin will withhold his point of order for longer than five minutes. In order to economize time, I have sat here during the discussion of the bill and have not moved to strike out the last word of any paragraph, because I did not want to prevent the passage of the bill to-day, but inasmuch as——

Mr. MANN. It was understood that the House would adjourn to-day about 2 o'clock. There was an agreement that the House should adjourn at 2.30. How much time does the gentleman from South Carolina desire?

Mr. JOHNSON of South Carolina. Five minutes.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHARP. Mr. Chairman, I have no desire to obstruct the passage of this bill or to delay it beyond a little time. Inasmuch as the gentleman from Wisconsin [Mr. STAFFORD] seems determined to insist upon his point of order, I shall ask unanimous consent to incorporate in the extension of my remarks a letter of the Secretary of State, William J. Bryan, to the chairman of our committee, Mr. FLOOD.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHARP. Mr. Chairman, the committee is well aware that the point of order raised against this section by the gentleman from Wisconsin [Mr. STAFFORD] is well taken in a parliamentary sense, and if insisted upon must go out of the bill. I regret very much that the gentleman has seen fit to object to this particular provision. A more careful examination of the bill will show that, as a matter of fact, there are several other provisions authorizing the appropriation of money for the holding of international conferences for different purposes that are subject also to this same point of order, notably the Fifth Conference American States, Second Pan American Scientific Congress, and Nineteenth Conference Interparliamentary Union.

It will be further observed that in three out of four of these cases, including the present one under consideration, these conventions are to be next held in our own country. The exception is the convention of the Fifth Conference American States, to be held in Santiago, Chile. It would seem to me that for this reason alone objection should not be made to this provision.

As favoring the holding of the International Congress Against Alcoholism in the year 1915 in the United States, I will insert the following letter from Secretary of State W. J. Bryan:

DEPARTMENT OF STATE,
Washington, March 18, 1914.

Hon. HENRY D. FLOOD,
House of Representatives.

MY DEAR MR. FLOOD: I beg to submit herewith a draft of an amendment which the President desires inserted at the proper place in the Diplomatic and Consular appropriation bills. It is intended to appropriate the sum of $50,000 for the purpose of entertaining the International Congress on Alcoholism, which is to meet in the United States in 1915. We have been sending delegates to this congress at meetings in Europe, and it is thought proper to make this provision for the entertainment of the congress when it meets in this country.

Very truly, yours,

W. J. BRYAN.

Inasmuch as I feel confident that the gentleman's point of order against the bill by no means finally disposes of the matter, I am not now going to make any extended reference as to what has been accomplished by this International Congress Against Alcoholism in years past. That it deals, however, with a subject that is of increasing importance no one will deny. For many years past these congresses have been held, I believe, each alternate year in foreign capitals, and it is a matter of no little gratification that our delegates to the last convention at Milan, Italy, succeeded in having the convention agree to meet in our own country the next time.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD? Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, the point of order raised by the gentleman from Wisconsin [Mr. STAFFORD] on the last paragraph of this bill will, of course, go unchallenged. But, Mr. Chairman, it seems extraordinary that objection should be raised to the appropriation named, considering the character of the service which would be rendered the country by this international congress against alcoholism.

Foreign countries for years have met the expense incident to these international congresses, and now that the United States, through the efforts of our representatives at the Milan meeting of 1913, is to have the meeting this year it is entirely within the keeping of propriety to, and as a matter of fact we should, provide expense for the necessary arrangements attendant upon the meeting.

It is fitting that our Secretary of State, Mr. Bryan, whose high standards of character commend him to our people in public as well as private life, however much we may disagree with him in politics, should be designated by act of Congress to extend an invitation to the Governments of the world to participate in and appoint delegates to the Fifteenth International Congress Against Alcoholism.

We hope legislation may yet be passed this session providing for this arrangement.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the paragraph.

The CHAIRMAN. A point of order is pending to the paragraph. Does the gentleman from Virginia concede it?

Mr. FLOOD of Virginia. Yes. All I wanted to say, Mr. Chairman, was what the gentleman from Ohio [Mr. SHARP] would have said if he had had the opportunity, and if we had time I think we could convince the gentleman from Wisconsin that he ought not to make a point of order against the item. We concede that the point of order is well taken, but I shall not discuss it to-day.

The CHAIRMAN. The point of order is sustained.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUMPHREYS of Mississippi, for two weeks, on account of sickness.

To Mr. QUIN, for a few days, on account of official duties on special committee work of the Military Affairs Committee at West Point.

To Mr. CASEY, for four days, on account of important business.

To Mr. CARAWAY, on account of important business.

To Mr. JACOWAY, on account of illness in family.

ACTS OF THE LEGISLATIVE ASSEMBLY OF PORTO RICO (H. DOC. NO. 979).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the regular session beginning January 12 and ending March 12, 1914, and the extraordinary session beginning March 14 and ending March 26, 1914.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

The SPEAKER. This message will be ordered printed and referred to the Committee on Insular Affairs. The accompanying documents have been printed already, it seems.

INTERNATIONAL CONGRESS OF MUSICAL SCIENCE AND HISTORY (H. DOC. NO. 978).

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "thereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith, for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of the French Republic to that of the United States to send delegates to an international congress of musical science and history to be held at Paris in June next, and a letter from the Librarian of Congress showing the favor with which he views the proposed gathering.

It will be observed that the acceptance of this invitation involves no appropriation of public moneys.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

The SPEAKER. This message and the accompanying documents will be ordered printed and referred to the Committee on Industrial Arts and Expositions.

Mr. MADDEN. Mr. Speaker, I think that ought to go to the Committee on Appropriations. It is a deficiency matter.

The SPEAKER. It does not ask for any appropriation.

Mr. MANN. This is a question of accepting an invitation, is it not?

The SPEAKER. Yes.

Mr. MANN. It ought to go to the Committee on Foreign Affairs.

The SPEAKER. The Chair, in conversation with the chairman of the Committee on Foreign Affairs a moment ago, asked him whether a similar message had been referred to his committee, and he said not.

Mr. FLOOD of Virginia. I beg the pardon of the Chair. I misunderstood him. I understood him to ask me if this message had been referred to our committee.

The SPEAKER. No. All the Speaker wishes is to secure uniform action on these matters.

Mr. FLOOD of Virginia. All these matters go to the Committee on Foreign Affairs.

The SPEAKER. The message and the accompanying documents, which are short, will be ordered printed and referred to the Committee on Foreign Affairs.

LEAVE TO EXTEND REMARKS.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject which I discussed yesterday afternoon.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks in connection with the subject which he discussed yesterday afternoon. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p. m.) the House adjourned until Monday, May 18, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting an estimate of appropriation for payment of rent for the Mills Building, Washington, D. C., for the period of 21 days from April 1 to April 21, 1914, inclusive, that the building was occupied by the United States for the use of the Navy Department (H. Doc. No. 980); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Public Printer submitting supplemental estimates of appropriations for additional employees and for equipment, material, and supplies in the office of the superintendent of documents for the fiscal year ending June 30, 1915 (H. Doc. No. 981); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the chairman of the Government exhibit board, Panama-Pacific International Exposition, at San Francisco, 1915, submitting a proposed clause of legislation and requesting that it be included in the urgent deficiency bill now pending in Congress (H. Doc. No. 982); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel connecting Admiralty Inlet with Crockett Lake, Wash. (H. Doc. No. 983); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Silver Lake Harbor, Ocracoke Island, and entrance thereto from Pamlico Sound, N. C. (H. Doc. No. 984); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16586) to amend section 20 of "An act to regulate commerce," reported the

same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of New Hampshire, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2337) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 682), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16556) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 8, 1914, reported the same without amendment, accompanied by a report (No. 683), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURRAY of Oklahoma: A bill (H. R. 16618) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 16619) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. ROGERS: Concurrent resolution (H. Con. Res. 40) to print as a House document a pamphlet descriptive of Mexico; to the Committee on Printing.

By Mr. ADAMSON: Resolution (H. Res. 518) to make privileged H. R. 16586; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 16620) for the relief of Levant C. Dingman; to the Committee on Military Affairs.

By Mr. DALE: A bill (H. R. 16621) granting a pension to John J. F. Petty; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16622) granting an increase of pension to Samuel T. Bennett; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 16623) for the relief of John McKeon; to the Committee on Military Affairs.

By Mr. GARD: A bill (H. R. 16624) granting an increase of pension to Charles H. Bryan, alias Edward McCoy; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 16625) granting a pension to Eliza Seaborn; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16626) to place Bvt. Brig. Gen. James Clark Strong upon the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 16627) for the relief of the legal representatives of Reuben S. Jones and William N. Brown, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 16628) granting an increase of pension to Jeptha Litteral; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 16629) granting a pension to Mrs. Noble C. Burkhart; to the Committee on Pensions.

Also, a bill (H. R. 16630) granting a pension to Harry L. Frizzell; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16631) granting an increase of pension to Elizabeth A. Want; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Oriental, N. C.; Belmont, Wis.; Boscobel, Wis.; Martinsburg, Iowa; Lebanon, Oreg.; New Concord, Ohio; Paducah, Ky.; Maderia, Minn.; North Rose, N. Y.; Sparta, Ill.; Middletown, Ohio; Weston, Ohio; Mars, Pa.; Knoxville, Ill.; Delhi, N. Y.; Osborne, Kans.; St. Louis, Mo.; Lincoln, Ill.; Terre Haute, Ind.; Terre Haute, Ind.; Terre Haute, Ind.; Terre Haute, Ind.; Flora, Ill.; Hamilton, Ohio; Monticello, Iowa; Cochranton, Pa.; Perry, Iowa; Moneta, Cal.; Las Vegas, N. Mex.; Coshocton, Ohio; Waxhau, N. C.; Waxhau, N. C.; Waxhau, N. C.; Winnebago, Minn.; and Portland, Oreg., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of O. C. Bullock and B. H. Hardaway, of Columbus, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of 54 citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 55 citizens of Camden, N. J., and 41 citizens of Williamstown, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 25 citizens of Camden, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petitions of sundry citizens of McHenry County, Ill., favoring the passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of the eleventh congressional district protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of Peter Grates and 32 other citizens, of Port Austin, Huron County, Mich., against passage of the Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Resolution by Richmond Post, No. 201, Grand Army of the Republic, Department of California and Nevada, of Richmond, Cal., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, resolution of the Sacramento County convention of the Woman's Christian Temperance Union, in favor of Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

By Mr. DALE: Petitions of Peter Daly, William Damm, Leonard Berberich, and the H. W. Baker Linen Co., all of New York City, and the Francis Perots Sons Malting Co., of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry German-American citizens of Hillsboro, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Petitions of 359 citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. GORMAN: Petitions of John S. Perry and 84 others, residents of the third congressional district of Illinois, protesting against the passage of the Hobson prohibition bill; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of sundry voters of Rouseville, Pa., favoring passage of national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, protesting against House bill 15657, relative to laws against monopolies, etc.; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of the Chamber of Commerce of Warren, Pa., relative to legislation to regulate interstate business; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Letters and telegrams from the St. Louis World Publishing Co., A. H. Spink, manager; the Skinski-Areeiter Printing Co., Max. Shinski, president; the Beal & McNamara Painting Co.; the J. Sheehan Plumbing Co., Jerry Sheehan, president; the United States Box Lock Co., C. W. Buehler, president; the Crown Cork & Seal Co., H. W. Friedewald, secretary; the St. Louis Lumber Co., John A. Reheis, president; the Western Valve Co., M. L. Chase, manager; the Alois Auffrichtig Copper & Sheet Iron Works, Charles Auffrichtig, manager; the Hammer Dry Plate Co., R. Salzziber, secretary; the Day Rubber Co., R. C. Day, president and treasurer; the Geller, Ward & Hasner Hardware Co., H. W. Geller, president; the Schurk Iron Works; Newman & Malkemus, brokers, W. E. Newman, president; the Guardian Trust Co., Daniel G. Taylor, president; the Krennin-Westermann China Co.; the Garlock Packing Co., J. E. Hillerman, manager; the Mechanics-American National Bank, Walker Hill, president; A. S. Wessler; John J. Byrne; J. H. Wood; W. S. Campbell; Michael McDermott; John Reddan; Benjamin Schwartz; James A. McGuire; Thomas F. Cady; the Brewery Workers' Joint Board, Joseph Fessner, secretary; the Milwaukee Malting Co., Milwaukee, Wis., G. F. Zimmerman; the Davenport Malt & Grain Co., Davenport, Iowa, P. Feddersen; L. C. Nordmeyer; R. H. Tait; J. Laichinger; A. Godfrey; L. Dickmeyer; and John J. Roth, protesting against pending prohibition resolutions and all similar measures; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of sundry voters of Lee County, Iowa, and 14 citizens of Burlington, Iowa, protest-

ing against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the Fort Dodge Grocery Co., of Fort Dodge, Iowa, favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. J. R. KNOWLAND: Telegrams from the German-American League of California; the Governing Board Associate Membership, Knights of the Royal Arch, San Francisco, Cal.; the executive committee representing 52 importers and wholesale liquor merchants and members of the Grain Trades Association of California, protesting against passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of various voters of Marion County, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of sundry citizens of Garmans Mills, Clymer, and Tylersburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of J. D. Devore, of Westernport, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of various members of Olney Grange, at Olney, Md., in favor of Government ownership of telephones and telegraphs; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Peter Aschoff, of Evansville, signed by Louis A. Geupel, A. D. Riggs, C. O. Magenheimer, William Ruedlinger, Conrad Young, M. J. Hampton, John Grefe, John Joest, James M. Klee, P. J. Euler, G. J. Blanford, H. Lindenschmidt, L. J. Flittner, Frank H. Blomer, J. D. McCarty, Oscar Born, John Kalkenbrenner, F. A. Schoeny, John H. Engbers, J. C. Abshire, Harry Bowen, John A. Alphson, George Bell, John W. Murnahan, August Wilsbacher, and Peter Aschoff, all of Evansville, Newburg, and Boonville, Ind., protesting against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on the Judiciary.

By Mr. LINDBERGH: Protest of sundry citizens of Staples, Minn., against passage of prohibition amendment; to the Committee on the Judiciary.

Also, protest of sundry citizens of Waverly, Minn., against prohibition amendment; to the Committee on the Judiciary.

By Mr. LOFT: Two petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. MITCHELL: Petitions of 350 citizens of Boston, Marlboro, and Westboro, all in the State of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Memorial of the National Association of Vicksburg Veterans, favoring a peace jubilee of North and South; to the Committee on Military Affairs.

Also, memorial of the Erie Chamber of Commerce, urging postponement of interstate-trade measure; to the Committee on the Judiciary.

Also, memorial of the Military Order of the Loyal Legion of the United States, reaffirming allegiance to our system of government; to the Committee on the Judiciary.

Also, memorial of the New York City Retail Merchants, favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Federated Central Labor Union of New York City and Vicinity, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of various Methodist Sunday Schools and Christian Sunday Schools of Bristow, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the Center Branch Church, of Clarksburg; the First Presbyterian Church of Chester; the First Presbyterian Church of Follansbee; J. G. Shaw and 38 others, of Clarksburg; P. F. Cogar and 19 others, of Meadowbrook; G. M. Solomon and 25 others, of Bridgeport; O. F. Swiger and 25 others, of Wilsonburg; James Casey and 24 others, of Lost Creek; William Davis and 27 others, of Mount Clare; John Vincent and 6 others, of Gypsy; P. G. Stackpole and 26 others, of Haywood; E. D. Orr and 25 others, of Wallace; Leonidas Rhoades and 16 others, of Bristol, all in the State of West Virginia, for passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

Also, petition of the board of trustees of the Anti-Saloon League of West Virginia, urging passage of national prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Bar Association of Ohio County, W. Va., expressing confidence in the future and integrity of Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of the J. Charles Green Co., of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of sundry voters of West Brookfield and Leominster, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of 80 citizens of Poughkeepsie, sundry citizens of Middletown, and 85 citizens of the twenty-sixth congressional district, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Newburgh and Beacon, N. Y., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 50 citizens of Newburgh, N. Y., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of 8 citizens of Newburgh, 20 citizens of Leptondale, and sundry citizens of Wappingers Falls, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various labor unions, manufacturing concerns, and 14 citizens of Middletown, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill to remove charge of desertion against Elijah S. Howard; to the Commtitee on Military Affairs.

By Mr. SMITH of New York: Petitions of the Men's Club of the First Presbyterian Church and the Methodist Ministers' Association, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of F. H. Philip, W. H. Patterson, and 92 other citizens of Beaver Falls; William I. Williams and other citizens of New Castle; sundry citizens of Amity; and C. J. May and 29 other citizens of Fallston, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petition of F. J. Quinn, G. Thompson, and C. E. Vandercook, protesting against the Hobson, Sheppard, and Works resolutions; to the Committee on the Judiciary.

Also, petition of C. L. Vandercook and other citizens of the twenty-eighth congressional district of New York, protesting against the Hobson, Sheppard, and Works resolutions for national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 18, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in all our undertakings we seek Thy guidance and blessing. We would be saved from the tragedy of prayerless lives, which would shut our eyes against Thy light and shut ourselves out into the infinite darkness. In Thy light we shall see light. We pray that Thou wilt lift up the light of Thy countenance upon us. If the light that is in us be darkness, how great is that darkness. O do Thou give us that divine illumination which will make clear and bright the path of life, that we may follow that way which shineth more and more unto the perfect day. For Christ's sake. Amen.

CHARLES A. CULBERSON, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burleigh	Colt	James
Bankhead	Burton	Culberson	Johnson
Borah	Chamberlain	Gallinger	Jones
Brady	Chilton	Gore	Kern
Bristow	Clapp	Hitchcock	La Follette
Bryan	Clark, Wyo.	Hughes	Lee, Md.